

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, September 9, 2003
Tuesday, 9:06 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Karen Schofield, Deputy City Clerk; present.

Reverend Gary Cox, University Congregational Church, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the regular meeting of August 19, 2003, were approved 7 to 0.

AWARDS AND PRESENTATIONS

RECOGNITION	First baby born on a City bus.
PROCLAMATIONS	Proclamations previously approved were presented.

PUBLIC AGENDA

JAY JONES	<u>Jay Jones-Special Event Carnival Rides</u>
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Jay Jones has been actively supporting the amusement ride inspection bill for five years and asked the City Council to investigate and pass a city ordinance requiring the amusement companies to provide verifiable proof to the city, that they comply with the already established Kansas law, governing insurance requirements.

Mayor Mayans	Mayor Mayans asked staff to look into this matter for a future workshop.
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MARYDEL GRAYUM	<u>Marydel Grayum-Vice-President of Plastic Recycling of Kansas, Inc.</u>
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Marydel Grayum reported that Plastic Recycling of Kansas was founded two years ago to fill the gap for plastic recycling in the City of Wichita. Recycling efforts are not a part of solid waste. Recycling is a method to divert reusable items from the solid waste stream. During the summer of 2002, their recycling was handled by Southcentral Recycling in Newton, Kansas. This summer their drives were done in cooperation with a company in Hutchinson. It is frustrating have to go outside the county for assistance. Wichita has companies but waste has to be taken to the companies. This is not feasible as Plastic Recycling does not have trucks.

Ms. Grayum asked the City Council to consider use of a city building for recycling purposes. Goals are: 1) to gain use of a currently empty, unused, city-owned building, to be used for: regular collection and shipping of recyclables; sorting and baling of plastics; education and communications about reuse, recycling, litter control, community pride and other waste control efforts; information clearinghouse; and fundraising and equipment donation efforts. 2) Do this with minimal subsidy from the City of Wichita (items you are already paying for.)

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JAMES D. LEONARD James D. Leonard, AAI-Conflict of City Code and actual taxi service operations.

James D. Leonard said cab companies in the City are circumventing City Code requirements for insurance by making the drivers responsible for carrying insurance. The purpose of the city code is to promote the public welfare of the city so taxicabs will operate in a safe and sufficient manner.

NEW BUSINESS

BIG DOG

PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS, BIG DOG MOTORCYCLES, L.L.C. (DISTRICT I)

Lisa Jones

Industrial Analyst with the Department of Finance.

Agenda Report No 03-0897

On October 19, 1999, City Council approved the issuance of Industrial Revenue Bonds in the amount of \$2 million, and granted a five-plus-five-year 100% tax exemption on all bond-financed property to Big Dog Motorcycles, L.L.C. Proceeds from the bond issue were used to acquire, refurbish and equip the former Quality Chevrolet facility at 1520 East Douglas in central Wichita. On October 2, 2002, City Council also approved the issuance of Industrial Revenue Bonds in the amount of \$800,000, and granted a 100% property tax abatement on bond-financed property to finance the construction of a new warehouse.

On July 1, 2003, City Council approved six-month Letter of Intent for IRBs in an amount of \$1,100,000 to finance another expansion of that facility, and also a five-plus-five year 100% property tax exemption on the new IRB-financed property. The company is now ready for the issuance of IRBs to finance the expansion in the amount not-to-exceed \$1,100,000.

The proposed facility will be an addition to Big Dog's corporate headquarters and main manufacturing plant located on east Douglas. The expansion will be located on land already owned by Big Dog. The expansion will consist of approximately an 18,000 s.f. warehouse building. This addition will create space for additional offices and manufacturing activities in the existing plant. The warehouse will be used for motorcycle storage, parts storage, receiving and quality control.

The majority of the Big Dog sales are exported outside of the State of Kansas. Since bonds were issued in 2000, Big Dog has exceeded their commitment in employment. Big Dog currently has 257 employees. In conjunction with the current improvement project, Big Dog plans to add 40 new jobs to their current employment within five years.

An estimate of the uses of project funds is:

USES OF FUNDS

Construction Costs	\$750,000
Other Improvements	50,000
Furniture, Fixtures & Equipment	80,000
Costs of Issuance	<u>20,000</u>
Total Cost of Project:	\$1,100,000

The firm of Hinkle Elkouri, L.L.C. serves as bond counsel in the transaction. The taxable bonds will be purchased by Waterview Realty L.L.C., and not reoffered to the public. Big Dog Motorcycle has complied with the Standard Conditions contained in the City's IRB Policy. Wichita State University Center for Economic Development and Business Research conducted a cost-benefit analysis to determine the fiscal and economic impact and the results are as follow:

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City of Wichita	1.84 to one
Sedgwick County	5.06 to one
USD 259	2.61 to one
State of Kansas	38.39 to one

Big Dog Motorcycles agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds.

The City Council has approved a 100% five-year property tax exemption, plus an additional five-years subject to Council approval.

Bond documents have been prepared by bond counsel for the project. The City Attorney's Office will review and approve the final form of bond documents prior to the issuance of any bonds.

Mayor Mayans Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion-- Carl Brewer moved that the public hearing be closed; the Bond Ordinance approving the Bond documents, including the Trust Indenture, Lease Agreement, Guaranty Agreement, and Bond Placement Agreement for the issuance of Industrial Revenue Bonds be placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of \$1,100,000 aggregate principal amount of Taxable Industrial Revenue Bonds, Series IV, 2003 (Big Dog Motorcycles Project) for the purpose of providing funds to construct and equip a warehouse facility and construct and equip improvements to an existing Corporate Headquarters and Manufacturing Facility located in the City of Wichita, Kansas; prescribing the form and authorizing execution of a Second Supplemental Trust Indenture by and between the City and BNY Trust Company of Missouri, St. Louis, Missouri, as Trustee, with respect to the Bonds; prescribing the form and authorizing the Execution of a Second Supplemental Lease Agreement by and between the City and Waterview Realty, L.L.C.; approving the form of a Guaranty Agreement; approving the Second Supplemental Sublease between Waterview Realty, L.L.C., and Big Dog Motorcycles, L.L.C.; and authorizing the execution of a Bond Placement Agreement by and between the City and Waterview Realty, L.L.C., as purchaser of the Bonds, introduced and under the rules laid over.

ASSESSMENTS

SPECIAL ASSESSMENT FINANCING: 15-YEAR V. 20-YEAR TERM.

Kelly Carpenter Assistant Director of Finance reviewed the item.

Agenda Report No. 03-0898.

The Wichita Area Builders Association (WABA) has requested City Council consideration of lengthening the bond term for special assessment debt from its current fifteen (15) years to twenty (20) years, matching a proposed change in the collection of special assessments from property owners. The goal of an extension of the term would be to lower monthly/annual special assessment payments.

City General Obligation Special assessment debt stands at approximately \$148.5 million. Approximately 60,000 parcels (lots) in Wichita have special assessments related to infrastructure improvements.

Special assessment debt is the single largest component of City General Obligation (GO) debt at 45 % of all GO debt. The table below sets out City GO debt as of the last annual financial report (12-31-02):

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General Obligation (GO) payable from:	Amount
Special assessments	\$148,540,000
Ad valorem property tax	71,979,724
Local sales tax	56,000,000
Tax increment	19,919,545
Transient guest tax	12,519,875
Golf system	7,682,468
Storm Water system	6,045,000
Airport system	4,865,000
Transit	<u>97,020</u>
Total	\$327,648,632

For the City, extending the term of special assessment debt will have the effect of increasing the aggregate amount of debt (new debt will be added faster than old debt will be retired) and will increase the interest cost (longer maturity debt typically carries a higher interest rate). Because special assessment debt is such a large component of total City GO debt, overall City debt burden per capita and the length of time it takes to pay off the debt will increase.

For the individual property owner, the monthly/annual payments will be lower, with an offset that special assessments will run with the property longer (20 v 15 years) causing the total interest paid to maturity to be higher. It will not be possible for individual property owners to select between 15v20 years; this decision would have to be made and applied to an entire development at the time costs are incurred and bonds issued to finance infrastructure improvements.

A question arises as to the potential impact on the City's General Obligation market ratings, and the concomitant cost of borrowing to the City, not only for special assessment debt but all other debt financings. Bond rating agencies (the City uses Moody's and Standard and Poor's) do not provide advance ratings, but rate the City each time it enters the market to sell bonds, or if there is a consequential event between bond sales that warrants their attention. No specific advance indicator of impact is possible to determine.

Rating agencies examine the City on a profile across four major criteria areas: management, operational finances, debt and socio-economic. The question of 15v20 year special assessment debt would likely impact three areas:

Management criteria: whether the term is 15 or 20 years, rating agencies would be interested in the steps to ensure timely collection. If 20-year special assessments were to reduce the risk of default on payment by opening up cash flow from the private parties, it may be a plus. City staff expects no change in either collection or default rates because defaults are typically resolved well before the current 15-year term, therefore the impact here is neutral.

Debt criteria: generally longer repayment terms are a negative. The degree of negative impact could only be determined over time.

Socio-economic criteria: if the change to a longer term assists in developing housing or other private investment, then it could be viewed as positive. A principal argument by proponents for longer-term special assessments is that reduced monthly/annual assessments make home ownership more affordable.

Another factor for the City Council to consider in determining how to respond to proposals to extend the term of GO special assessment debt is the "useful life" of the improvement being debt financed. Commonly accepted infrastructure improvements (e.g., roads, water/sewer lines, drainage) will readily meet or exceed in usage the term of the debt, whether 15 or 20 years. Some of the less typical items that have appeared on an occasional or exceptional basis (e.g., landscaping, lighting) may be marginal at 15 years, and should be closely examined especially if an option for 20-year debt financing is considered.

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The City's policy and practice of 15-year special assessment debt is longstanding. Optional courses of actions for the City Council's consideration include:

- (1) Retain the current policy of 15-year special assessment debt financing.
- (2) Amend the policy to provide for 20-year special assessment debt financing.
- (3) While retaining a policy of 15-year special assessment debt financing, implement a process for consideration of extending the debt financing term up to 20 years on an exceptions basis if a prospective development would meet specified criteria. A committee with membership from the Wichita Area Builders Association (WABA) and City staff could be formed to develop the criteria and review prospective developments to be recommended to the City Council for up to 20-year term debt.

Of these options, prudence would suggest a cautious approach to any extension of the term of special assessment debt. Staff recommends Option (3) for favorable consideration.

The City has the legal ability to undertake either 15-year or 20-year General Obligation special assessment debt financing.

- Kelly Carpenter Assistant Finance Director explained that the City's debt per capita is a little high because other cities do not include special assessment debt.
- Council Member Lambke Council Member Lambke said the term is extended for 20 years, the term of the mortgage is being approached. Rather than jeopardize the city's bond ratings, it would not matter to just put in on the mortgage and let the builder finance it with the sale of the house.
- Council Member Gray Council Member Gray reported that he has a copy of the minutes of the meeting that took place in 1977, when the city made the transition from 10 year special assessments to 15 years. One of the arguments taken into consideration at that time was whether the 15-year term would adversely affect the city's debt load by the increase of the additional term on the assessments. On July 5, 1977, 15-year limits were approved and are now standard practice. The 15-year limits have proven to not adversely affect the City and have actually helped the housing market.
- Mayor Mayans Mayor Mayans inquired if anyone wished to be heard.
- Wes Galyon Wes Galyon, Builders Association, asked for consideration and support of the proposal. One of the motivations for making this proposal is that new home development projects are being more and more affected adversely by increasing cost due to a number of requirements that were either not in place a few years ago, or if they were in place, not of the magnitude in terms of the impact they are having today. This will help assure that new community developments in the new housing sector, is not unduly encumbered in its continuing efforts to help keep our local economy strong and viable as it can be. Affordability in housing has always been a concern and will continue to be a concern in the future as cost increase. Having the ability to finance the cost of the development improvements over a longer period of time to help lower monthly payments for buyers will make it easier for homebuyers to qualify for mortgages. Having the ability to look at projects on a case-by-case basis, to determine if development cost should be financed over a 20 versus a 15-year period, will help assure project marketability and the viability of those projects. It will help provide an edge against possible tax delinquencies and defaults and aid the City of Wichita in its efforts to grow its tax base. In asking for the Council Members' support, it is also requested that a time-frame be set for not more than 45 days for his association and the city's staff committee to be appointed and develop the criteria to be proposed for use when looking at proposals on a case-by-case basis.
- Council Member Gray Council Member Gray stated that on land that resides within the existing city boundaries that has not been developed in the past because of difficult terrain, low lying areas, flood plain areas, or difficulty with infrastructure, if this proposal were to pass it could be used to utilize some of these infill projects. A program like this makes it beneficial and easier for developers to come in and do something with that property as oppose to ignoring it and moving further out.

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Council Member Fearey Council Member Fearey disagreed that this proposal would make infill housing a lot easier because generally the infrastructure is there within infill housing. Three basic concerns are: 1) The concept that that as the longer special assessments will make payments lower. The payments will not be lowered very much - especially with the interest rates like they are right now. The City may be, in some way, enabling people to purchase more house than they can afford; 2) Instead of encouraging people to live in the inner city and the older suburban areas, this is an incentive to flee these areas more and move out to the suburbs. Even if those special assessments do pay for the infrastructure cost, once the special assessments are paid off, road repair work, etc. become the responsibility of the entire tax base of the city. Many of these new housing developments are not within U.S.D 259 and they cannot annex or move their boundaries easily; and 3) The impact that it will have on the cities debt and overall financial stability.

Mayor Mayans Mayor Mayans stated that he would like to amend the recommended action to read, that establishment of a committee of Wichita Area Builders Association members, City Staff and two Council Members be appointed to review and recommend the term of a special assessment financing for perspective new development on a case-by-case basis and that a sunset of one-year be established to see whether there is any adverse action that would affect the city financially.

Motion-- Mayans moved that the a committee of Wichita Area Builders Association (WABA) members, City staff, and two Council Members be established to review and recommend the term of special assessment financing for prospective new developments on a case-by-case basis and a sunset of one-year be established to see whether there is any adverse action that would affect the city financially.
--carried Motion carried 7 to 0.

HUD

HUD CONSOLIDATED PLAN ANNUAL PERFORMANCE AND EVALUATIN REPORT.

Tom Smith Finance Department reviewed the item.

Agenda Report No. 03-0899

The City is required to prepare a Consolidated Annual Performance and Evaluation Report (CAPER) for projects covered by the HUD Consolidated Plan. The CAPER includes activities of the Community Development Block Grant (CDBG), the HOME Investment Partnerships (HOME) and the Emergency Shelter Grant (ESG) programs covering the period from July 1, 2002 through June 30, 2003.

During the reporting period, residents of the City of Wichita received direct benefits from CDBG capital improvements, housing and public services. The CDBG program provided public services to more than 74,972 (duplicated) low and moderate-income persons, constructed 35,424 square yards of concrete for streets, sidewalks and driveway improvements, held nine neighborhood clean-ups and rehabilitated 372 housing units. The HOME program assisted 31 households to secure affordable housing and 9 households received rehabilitation assistance through the Deferred Loan Program. The Emergency Shelter Grant provided services to 4,609 persons (cumulative) by providing short-term shelter, case management and other services to homeless persons and victims of domestic abuse.

The total expenditures for the 2002/2003 fiscal year were \$8,875,391. The expenditures consist of \$5,014,412 for the CDBG program, \$3,701,541 for HOME Investment Partnerships program and ESG expenses were \$132,439.

The City is required to provide an opportunity for citizens to review and comment on the CAPER prior to submitting the CAPER to the U.S. Department of Housing and Urban Development (HUD). On August 21, 2003, the City published a notice in the Kansas State Globe and on August 23, 2003 in the Wichita Eagle accepting public comments until September 9, 2003. The CAPER was made available to the public through the Neighborhood City Halls, Finance Department, Housing Services Department, Planning Department, City Council Office, City Manager's Office, City of Wichita website and all branches of the Wichita Public Library.

Mayor Mayans Mayor Mayans inquired if anyone wished to be heard and no one appeared.

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Motion--

Mayans moved that the Public Hearing be closed; the HUD Consolidated Annual Performance and Evaluation Report be received and filed; and submission to the U.S. Department of Housing and Urban Development be authorized. Motion carried 7 to 0.

--carried

INTERNET

INTERNET PAYMENT PROCESSING:

Carla Palmer

City Treasurer reviewed the item.

Agenda Report No. 03-0900

In October 2001, after the completion of a request for proposal process, the City Council awarded the City's merchant services contract to Bank of America. Due to required contract modifications, the actual transition to Bank of America did not occur until September 2002. During the 2001 RFP review process, financial institutions were differentiated by technological abilities to provide the City with an "end-to-end" Internet payment solution. "End to end" refers to automated systems that require little or no hands-on intervention. Bank of America met this need with a product known as CIP (Customer Initiated Payments). CIP generates the back office processing for both credit card payments and ACH bank debits. CIP retains the customer's bank information thereby releasing the City from strenuous security requirements regarding the retention of confidential banking information. After Bank of America's CIP system processes City payments, the software deposits monies into the City's bank account and electronically sends the City a data file containing the City's required receivable and accounting information. This file will be directly interfaced into the City's various computer systems reducing the need to re-key data. Processes have been initiated to reconcile the CIP files to bank deposits.

In December 2002 the City and Bank of America teams began working on the City's first application for on-line Internet payment processing. At that time a decision was made to begin with an application that didn't require multiple computer interfaces. The Accident Reports Online application has been tested and is ready to go live on the City's website.

The goal of the Accident Reports Online application is to offer accident reports that are public domain to customers on a per report basis. Accident Reports Online emulates the existing face-to-face process of acquiring an accident report from the City of Wichita. The only staff involvement is a treasury checkpoint that manually verifies the total dollars against the total accounting entries. When the user accesses the site, they must know a combination of 1) either street and date or 2) driver's name and date or 3) incident number. Selections will be returned allowing the user to preview the report to confirm it is the correct one. Once the customer verifies the report they can go to payment processing and pay by credit card or ACH debit and immediately receive the full report in a PDF file that is available for 30 days. The payment is processed through CIP and the funds are settled to the City's bank account.

This is the first application of on-line Internet payments. The City anticipates moving forward with Central Inspection, Water, Licensing, and Court. Applications will be added as the required technology becomes available.

The City currently has contracts with Bank of America for merchant services. It is requested that additional documents be approved to incorporate CIP processing and to adopt a resolution authorizing a City of Wichita clearing account at Bank of America for settling ACH transactions. The CIP system cannot currently settle ACH transactions into a different financial institution. By opening this ACH account, the City is agreeing to additional treasury management contracts not initially agreed to in the merchant services contract. Transactions will be settled into the Bank of America account and then transferred daily to the City's working account at Intrust Bank. It is not contemplated that the daily deposit balance will exceed FDIC insurance.

The current process involves considerable staff time for a redundant process. It takes staff approximately five minutes to fulfill each request. There are currently 16,000 reports requested annually or approximately 1,300 per month. Police records currently spend in excess of 14 full days per month providing accident reports. By capturing 50% of the requests on-line there should be savings of 7 full days a month. In addition a full data set of records was sold to an Oklahoma Company for

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\$46,600 in 2002. It is unknown what financial impact selling this information on a per item basis will have, but it is anticipated that additional revenue will be generated. Anticipated efficiencies like these have already been captured in the 2004 budget by reducing several police records clerks.

CIP requires additional fees for start-up and programming as well as transaction fees. In 2001 the City Council approved increasing the Pooled Investment Management (PIM) fee 10 basis points to pay for the anticipated costs of credit card processing. General fund expenses are absorbed as a banking fee within the currently allocated PIM charge and non-general funds expenses are charged against operating revenue. Bank of America charges a one-time fee of \$2,000 that includes start up costs for three separate applications. There is a cost of \$750 for each additional application. There is a monthly maintenance fee of \$35 and an additional \$.40/ea transaction fee plus \$.05 for each additional data field above the four non-payment fields included. Bank of America will charge the same \$.07/ACH transaction fee that is currently charged by Intrust Bank. There is also a \$100/mo fee for file transfer and reporting. Fees will partially be offset by an increase in efficiency and lower per transaction handling costs. All of these fees were considered in the original analysis when recommending the 10 basis point increase in the PIM charge.

Carla Palmer

City Treasurer explained that there would be no fee to the customer for this service. All of the fees would be born by the city, which includes the .47cent transaction fee and in addition there is the merchant service fee that the city already pays for any use of credit cards.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion--
--carried

Mayans moved that the Agreement be approved; the necessary signatures be authorized; and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-453

A Resolution approving the selection of Bank of America, N.A., as a banking services provider and authorizing the preparation, execution and delivery of certain agreements in connection therewith, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

PROP. ACQ.

PROPERTY ACQUISITION-132 NORTH MOSLEY. (DISTRICT VI)

Chris Cherches

City Manager reviewed the item.

Agenda Report No. 03-0901

The City Council approved an Option to Purchase Real Property, located at 132 N. Mosley (the site of the former Kansas Paint facility), on April 1, 2003. According to the contract between the City and 132 N. Mosley LLC, the purchase option is to be executed no later than September 1, 2003. The total negotiated purchase price is \$825,000. The real estate closing date is October 1, 2003. If the purchase option expires, the City would be obliged to pay an option penalty of \$250,000 for not proceeding with the purchase.

When the City Council approved the Option to Purchase the property, the original intention was that the seller, 132 N. Mosley LLC, would demolish the structures on the site and construct public surface parking to benefit the Old Town district. The "not to exceed" amounts in the contract for the City's obligation for demolition was \$217,000 and \$300,000 for the parking lot construction (total \$517,000). The owner, through allied Environmental Consultants (AEC) and Ruggles & Bohm, had environmental and site analyses conducted of the property, and developed bid specs for both the demolition and the construction of the parking lot. The owner solicited bids on both the demolition and the parking lot construction from four local general contractors. The low bid received by the owner for the demolition was \$356,467 and the parking lot construction bid was \$199,551, for a total cost of \$556,018. The total of the bids exceeded the total dollars stipulated in the contract for the demolition and parking lot construction.

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Staff recommends that the Council exercise the purchase option, close on the property on October 1, 2003, approve a contract with Allied Environmental Consultants in an amount not to exceed \$26,880 to modify the existing demolition specifications and provide oversight/inspection services during the bidding and demolition process, re-solicit bids from all eligible and qualified bidders, and proceed with the demolition and parking lot construction as a City-owned project.

The acquisition cost was approved by the City Council from budgeted downtown parking revenues and demolition/parking construction from the Old Town tax increment.

The City Council has until September 1, 2003, to exercise its Option to purchase the property at 132 N. Mosley. The Agreement was extended one week until September 9, 2003, because of the holiday.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion--

Fearey moved that the purchase option and contract be approved; the execution of documents necessary to close the purchase on or before October 1, 2003; soliciting of bids for the demolition and parking improvements, and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

TASK FORCE

INDUSTRIAL LAND TASK FORCE REPORT.

Chris Cherches

City Manager reviewed item.

Agenda Report No. 03-0902

The City Council has studied the need for industrial lands for future and potential industrial and business center parks for economic development prospects. A Task Force was formed to evaluate the need for industrial land for economic development purposes. The Task Force, comprised of individuals with experience in land and business development, provided expert opinion and guidance on the issue of industrial land for development. A report was presented to the City Council in July, 2003 for consideration and action.

The City Council met in workshop session on August 26, 2003 and considered the various criteria and recommendations proposed by the Task Force.

Except for incentives, and/or lands acquired or options obtained from privately held lands for industrial use, there is no significant costs involved with the adoption of the criteria or work related to pre-certifying sites, unless specific incentives were approved by the governing body. Lands to protect and preserve lands adjacent to the two City-owned airports would be subject to negotiations and purchase contracts that would require approval by the City Council.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion--

Martz moved that the following actions be taken as proposed by the Industrial Land Task Force:

1. Approve the criteria for industrial land acquisitions, as proposed.
2. Approve areas where industrial lands could be acquired or options obtained from privately-held lands for industrial uses, utilizing incentives where necessary.
3. Approve proposed incentives and authorize staff to initiate negotiations with owners of preferred sites within designated areas on a priority site basis.
4. Authorize the negotiations of land adjacent to the City's two airports to preserve/protect airport from property from incompatible development and to utilize such land for aviation-related and industrial uses.
5. Work with private developers to re-certify sites for marketing to new business/industry.

Motion carried 7 to 0.

--carried

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CELL PHONES

PROPOSAL ON CELLULAR TELEPHONES AND USES.

Kelly Carpenter

Assistant Director of Finance reviewed the item.

Agenda Report No. 03-0903

The City provides cellular phones to authorized employees where mobile communications away from office or work site is necessary. Once a cellular phone is authorized, each department is responsible for implementing and managing the cellular phone use from the multiple approved carriers. Approximately 150 cellular phones have been authorized previously. The average monthly cost is estimated at \$53 a month.

The Mayor requested a review and consideration of replacing the use of City cellular telephones with an allowance program. City staff was also requested to work with other local governments in exploring cost savings from joint proposals for cellular phones where continued use of City-issued cellular phones was necessary. City IT/IS staff developed a proposed tiered classification tailored to usage levels:

- (1) Light Users – require a cell phone for limited air-time use primarily because:
 - A. Their work may periodically take them to dangerous areas;
 - B. Their work requires they be accessible after hours; or
 - C. They periodically leave their offices and need to be accessible during office hours when away.
- (2) Moderate Users – require a cellular phone for more frequent air-time use because:
 - A. They frequently need to reach City Hall based staff on the telephone;
 - B. They frequently need to reach contractors and other field-based personnel.
 - C. They frequently leave their offices and need to be accessible during office and after hours when away.

Exceptional case where use would exceed the above criteria or require long-distance cellular communications were determined to be infrequent and can be handled on a case-by-case basis.

Initial staff review was given to the continued business necessity of cellular phone by City employees. Approximately 18% of the City-issued phones were determined as helpful, but not essential to basic business operations and discontinued. This results in an annual savings of approximately \$16,500. Staff review included a survey of City departmental staff as to cellular phone use, and preferences in continued use of a City-issued cellular phone or acceptance of a cellular phone allowance. The survey results were about equal in instances where a City-issued cellular phone was considered necessary versus preference for a cellular phone allowance.

Cellular Phone Proposals

City Purchasing staff worked with their counterparts at Wichita Public Schools and Sedgwick County in soliciting and reviewing proposals from seven cellular phone service providers. Factoring discounts, the City and Schools staffs are jointly recommending selection of Cingular as the primary cellular phone service provider. In the event service requirements cannot be met by the primary service provider, City Purchasing staff recommends Verizon as the secondary service provider. The new proposals and discounts are expected to save the City approximately \$21,500 in costs. Including discounts and applicable taxes, costs for two typical levels of service plans would approximate:

Light Use (300 minutes per month)	\$28/month
Moderate Use (600 minutes per month)	\$47/month

In addition to these direct vendor costs, the City would also incur administrative costs to review billing and make payments on City-issued cellular phones. It remains cost-effective to consider the allowance option as a means to avoid overhead expenses and minimize cost overages on cellular phone use (an allowance can be administered as part of payroll processing with no additional overhead cost).

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Cellular Phone Allowance Option

A substantial number of City staff who are expected to have and use a cellular phone have expressed a preference for a cellular phone allowance even if the allowance is subject to income taxation. The previously proposed three-tier allowance has been reduced to two tiers and adjusted to remain in line with expected City costs, including overhead, if the City were to issue a cellular phone. It is proposed that a cellular telephone allowance program be implemented based on a two-tiered monthly rate of \$30/\$50. Any employee who accepts an allowance would not be eligible for any other reimbursement of cellular phone expenses. The City Manager would be authorized to classify all City employees who currently use a City cellular telephone, or would be authorized to do so in the future, into one of these two categories if they select the allowance option.

Implementation of the new proposals and the allowance program would be phased as all current cellular telephone contracts expire. The Employee Cellular Telephone Policy would be revised to reflect the new program.

The combination of discontinued cellular phones and lower costs from new proposals are projected to save the City approximately \$38,000. Where cellular phones or allowances would remain, the average costs to the City, previously estimated at \$53/month/phone would drop to \$39/month/phone, or a savings of \$14/month/phone.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion--

Mayans moved that the cellular telephone program, including acceptance of proposals for City business cellular telephones and a cellular telephone allowance program, be approved.

--carried

Motion carried 7 to 0.

21ST STREET

21ST STREET CORRIDOR DEVELOPMENT REQUEST FOR LOAN/LAND. (DISTRICT I)

Tom Smith

Grants In Aid Coordinator reviewed item.

Agenda Report No. 03-0904

On September 13, 1994, the City entered into a Developer Agreement with UBI Financial Services, Inc. (now Commerce Bank) to develop the Northeast Community Investment Project on 21st Street. The Northeast Community Investment Project consists of several components, one of which is a shopping center on the site of the former Madison Square Shopping. Commerce Bank selected the St. Mark Foundation to develop the site as the New Horizon Shopping Center. On December 22, 1998, the City entered into a contract with The St. Mark Foundation, Inc. to provide a CDBG loan in the amount of \$200,000 to assist in constructing the shopping center. The St. Mark Foundation was unable to complete the project. Accordingly, the City terminated The St. Mark Foundation CDBG contract on June 8, 2000.

To complete the commercial retail center the City Council approved Alford Development, Inc. as the preferred City's Developer on August 22, 2000 (after competitive proposals) and transferred the CDBG grant to Alford Development (now A & M Development). On March 27, 2001 the City Council approved converting the loan to a grant. A Development Agreement and CDBG Agreement have been drafted to implement the project.

A & M Development, Inc. is a for-profit organization. The proposed development will generally consist of a one-story, 21,109 SF retail center with approximately six (6) tenant spaces (dependent on tenant needs), off street parking for 89 vehicles, appropriate landscaping, screening and design.

A & M Development applied for a loan from Commerce Bank to develop the financing for the project. Commerce Bank declined to approve a loan of sufficient amount to complete the project. Subsequently, A & M Development secured a written loan commitment from INTRUST Bank for approximately \$900,000 subject to certain conditions. These conditions include: developer providing an additional loan collateral in the amount of \$200,000 in the

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form of a certificate of deposit; developer providing a minimum \$200,00 cash equity in the project (in addition to the \$200,000 certificate of deposit); the developer to hold fee simple title to the City-owned real property as security for the bank loan; and subject to the developer securing a subordinated CDBG loan from the City in the amount of \$350,000.

The total estimated development cost of the project is \$1,645,490. Sources of financing include the following: \$200,000 in developer equity (plus an additional \$200,000 certificate of deposit); \$895,490 bank financing; a \$200,000 CDBG grant (previously approved); and a \$350,000 CDBG loan. To meet the lender's commitment letter for financing, the City would have to sell the City-owned real property to the developer at nominal cost. The City-owned land is worth approximately \$121,702.

The developer is requesting a \$350,000 CDBG loan from the City to complete financing for the project. The CDBG loan would be subordinated to the bank loan in the form of a second mortgage. The term of the CDBG loan would be same as the bank loan. The \$350,000 CDBG loan would be a 20-year loan at 3% interest with no repayment during the first five years. The developer would be required to make debt service payments for the CDBG loan starting in year six based on a 15-year amortization.

In addition, the developer would be required to make additional annual debt service payments from annual net cash flow after payment of debt service and operating expenses. The additional payments would be based on excess annual cash flow after deducting a 15% cumulative return on investment of developer equity. The additional annual payments would be applied towards repayment of the CDBG loan. While the CDBG loan is in place (20-year term), if the project is sold, the land will revert to the City. The City will offer a 50-year lease at \$1 per year. The City would likewise have the right to approve any sale. If the project were sold at any time within 12 months of early payoff of the CDBG loan, the same terms for reversion of the land to the City would apply.

Funding for the loan could be made available (to fund the loan) from CDBG program income and savings from CDBG completed projects.

The Law Department would review and approve the new agreements as to form. If the loan is approved, HUD rules require Alford Development to provide a minimum of sixteen (16) new full-time jobs.

Tom Smith

Grants-In-Aid Coordinator explained that the lending bank is requesting that the developer hold fee simple to the title as security for the first mortgage loan from the lender. The lending bank is requesting the CDBG loan be subordinate to the lenders loan and the real estate be conveyed fee simple to the developer.

All of the project components except the shopping center are complete. If this is approved, this will complete the obligation for that project.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Greg Ferris

Greg Ferris, representing A & M Development, said the agreements that Commerce Bank inherited when this project began were that they would give the first mortgage on the property after the city and the developer's equity. Commerce Bank withdrew from the project. Intrust Bank has stepped to the table not being a recipient of any benefits of the project. This is truly a public/private partnership power. There will be a restriction on what the developer can make on this project until such time as the city receives all of its funding back on the loan.

Bob Conner

Bob Conner, owner of the 21st Street Market located on 21st Street and Piatt, stated that this development is down the street from his business and he will welcome any development in the area. Mr. Connor proposed that his grocery store be an anchor in the development.

Motion--
--carried

Brewer moved that the loan and the land sale, subject to the terms and conditions listed, and Agreements be approved; and that the necessary signatures be authorized. Motion carried 7 to 0.

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WATER WELL

WATER WELL TESTING AND ANALYSIS SERVICES PROPOSAL.

Jack Brown

Environmental Health Director reviewed the item.

Mayor Mayans left the Bench; Vice Mayor Fearey in the Chair.

Agenda Report No. 03-0905

The use of water wells throughout much of Sedgwick County for drinking and irrigation is a common practice. With the continued emphasis on water and water resources, ground water contamination and related water issues, public sensitivity to the protection of public health and the environment continues to be a priority. The Environmental Health staff currently provides water quality and well inspection services for residents of the Wichita and unincorporated Sedgwick County. These services are provided, in part, through the use of the State's Local Environmental Protection grant program and through a (contract for services) with Sedgwick County for the unincorporated areas.

Many municipalities within the county do not have the resources to provide well inspection and water quality services to their citizens who utilize water wells. Historically, Environmental Health - as a City-County agency - provided these water quality services to Sedgwick County municipalities through various mutual agreements. Recently, the Department of Environmental Health has received inquiries from some of the neighboring communities requesting the reestablishment of these services from Environmental Health on an as needed basis.

The City of Wichita has the necessary resources available, including technical support and guidance from the Kansas Department of Health and Environment and its laboratory services, and 50 + years of expertise in the field of water well inspection and analysis. Staff is proposing that based on the interest of surrounding communities that the City Council authorize Staff to enter into voluntary discussions with those interested communities on the scope of services needed to address water well issues and overall ground water protection within their jurisdictions.

Proposals would take into consideration the establishment of a revenue stream to recover the financial cost of overhead, fixed costs and services provided.

No binding contractual arrangement would be entered into at this point. Staff seeks Council approval to explore the potential for an interlocal or other agreement with those communities that have an expressed interest. Any agreements to provide service to these communities would then be returned to the Council for consideration.

Vice-Mayor Fearey

Vice-Mayor Fearey inquired if anyone wished to be heard and no one appeared.

Motion--

Fearey moved that Staff be authorized to initiate discussions with interested Sedgwick County communities and return with agreements for services for Council consideration/action. Motion carried 6 to 0. (Mayans absent)

-- carried

CITY COUNCIL AGENDA

TRAVEL EXPEN.

APPROVAL OF TRAVEL EXPENSES FOR CITY COUNCIL MEMBERS TO ATTEND LEAGUE OF KANSAS MUNICIPALITIES ANNUAL CONFERENCE IN TOPEKA, OCTOBER 11-14, 2003.

Motion--carried

Martz moved that the expenditures be approved. Motion carried 5 to 1. Lambke - No. (Mayans absent)

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TRAVEL EXPEN. APPROVAL OF TRAVEL EXPENSES FOR COUNCIL MEMBER BREWER TO ATTEND THE NATIONAL LEAGUE OF CITIES' ECONOMIC DEVELOPMENT STEERING COMMITTEE MEETING IN SUNRISE, FLORIDA, OCTOBER 9-11, 2003.

Motion--carried Martz moved that the expenditures be approved. Motion carried 5 to 1. Lambke - No. (Mayans absent)

VOTING DELEGATES SELECTION OF LEAGUE OF KANSAS MUNICIPALITIES ANNUAL CONFERENCE VOTING AND ALTERNATE VOTING DELEGATES.

Mayor Mayans present and in the Chair.

Motion--carried Mayans moved that the voting delegate be Mayor Mayans and the alternate delegates be Council Members Martz and Fearey. Motion carried 6 to 1. Lambke - No.

SMALL BUSINESS APPOINTMENT OF SMALL BUSINESS TASK FORCE MEMBERS (DISCUSSION AT WORKSHOP).

Motion-- Mayans moved that the appointments of Greg Ferris, Denise Sherman (Martz); Benita Gooch, Ray Frederick (Schlapp); Dr. Rhonda Lewis, Larry Burch (Brewer), Linda Guerra, Carlos Noya (Fearey), Allen Seigman, John Kemp (Lambke), John Farst, Gary Gibbs (Gray); Delia Lopez, Jaime Lopez (Mayans); and Vernel Jackson (Chair); be approved. Motion carried 7 to 0.

-- carried

Council Member Martz Council Member Martz clarified that as items of information become available the items should be forwarded to all of the Board Members.

BOARD APPTS. BOARD APPOINTMENTS.

Motion -- Mayans moved that the appointments of Capt. Kenneth Atnip - Alternative Correctional Housing, Daniel Rodriguez - Youth Member to DAB VI (Fearey); Carl Hannah - Mechanical Board, Harold Ragland - Electrical Board (Gray); Don Wolfe - Wichita Employees' Retirement, Council Members Martz and Fearey - Special Assessment Task Force, Council Member Brewer and Mayor Mayans - Greater Wichita EDC (Mayans) be approved. Motion carried 7 to 0.

-- carried

OFF AGENDA ITEM TRAVEL EXPENSES.

Motion -- carried Fearey moved that the rules be set aside and an Item be taken up off Agenda. Motion carried 7 to 0.

Council Member Fearey Council Member Fearey said the City Council received a Fax regarding a new process put into place where the City Manager's Office is reviewing each and every travel request. One of the primary reasons is to ensure that the limited funding available is appropriately being used for the most important travel and training needs of the City. It has been suggested a review process of the City Manager's claimed expenses be established. A suggested method for consideration could be similar to the County procedure where a form is used to claim business, travel, or expense.

Motion -- Fearey moved that the Vice Mayor's position be appointed to be assigned this responsibility, and that one other Council Member be appointed yearly to review such expenses; and a complete report of what the review process would encompass be developed by Staff, sent to Council Members for discussion, amending, and approval at the next City Council Meeting.

Council Member Gray Council Member Gray suggested the Council discuss the matter further.

Mayor Mayans Mayor Mayans suggested this matter be discussed in a workshop session.

-- withdrawn Fearey, with consent of the second, withdrew the motion.

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Motion --
-- carried

Fearey moved that Staff be directed to prepare recommendations for City Council discussion at the September 23, 2003, workshop. Motion carried 7 to 0.

CONSENT AGENDA

Mayans moved that that the Consent Agenda, except Items 25a and 26b, be approved as consensus Items. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED SEPTEMBER 8, 2003.

Bids were opened August 22, August 29, and September 5, 2003, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications

Twinlake Drive from the west line Creekside Lane to the north line Laguna; Twinlake Court from the north line Twinlake Drive to and including the cul-de-sac; Watson/Laguna from the west line Creekside Lane to the west line 159th Street East; Morris from the south line Lot 24, Block 9 to the north line Clear Creek Addition; Laguna from the south line of Lot 18, Block 1 to the south line Laguna to serve Clear Creek Addition - west of 143rd Street East, south of Kellogg. (472-83743/765801/490912) Does not affect existing traffic. (District II)

Ritchie Paving - \$299,698.80

Lateral 6, Main 8 Southwest Interceptor Sewer to serve Savannah Place Addition - south of Maple, west of Tyler. (468-83229/744002/480690) Does not affect existing traffic. (District V)

WB Carter Construction - \$4,900.00

Lateral 1, Main 13, Sanitary Sewer #23 to serve KDOT - east of Hillside, south of 53rd Street North. (468-83456/743944/480632) Traffic to be maintained using flagpersons and barricades. (District I)

K C Excavating - \$73,900.50

Westlake Parkway (Phase 1) from the west line of Tyler to the west line of Den Hollow to serve Fox Ridge Addition - north of 29th Street north between Maize and Tyler. (472-83784/765810/490921); Westlake Parkway (Phase 2) from the east line of Lot 174, Block 1 to 80 feet west of the west line of Lot 33, Block 5 to serve Fox Ridge Addition - north of 29th Street north between Maize and Tyler. (472-83813/765811/490922); AND Westlake Parkway (Phase 3) from 80 feet west of the west line of Lot 33, Block 5 to the west line of Lot 146, Block 1 to serve Fox Ridge Addition - north of 29th Street north between Maize and Tyler. (472-83814/765812 /490923) Does not affect existing traffic. (District V)

Cornejo & Sons Inc. - \$333,068.75 (Total aggregate bid)

2003 condemned sidewalk & wheelchair ramps - north of 55th Street South, east of 135th Street West. (472-83834/132100/) Traffic to be maintained during construction using flagpersons and barricades. (All Districts)

Cornejo & Sons Inc. - \$161,580.00 (Engineer's estimate)

Wheatridge from the south line of Walker to the to 200' north of the north line of Lynndale; Hornecker from the north line of US Highway 54 to the south line of Lynndale; Lynndale from 118.25' west to the west line of Hornecker to the west line of 119th Street West; Walker from the east line of Hornecker to

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the west line of Wheatridge; Rogers from the north line of Walker to the south line of Lynndale; Irving from the east line of Hornecker to the west line of Rogers to serve Wheatridge; C. Pate Addition to Wheatridge; Bledsoe; Bolton; Friess; Wells Acre; Unpatted Tracts - north of Kellogg, west of 119th Street West. (472-83684/765772/490883) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Kansas Paving Company - \$368,715.50

Lateral 67, Main 9, Sanitary Sewer #23 to serve Willowbend North Estates Second Addition - south of 43rd Street North, west of Rock. (468-83686 /744003/480691) Does not affect existing traffic. (District II)

Nowak Construction - \$48,129.99

Water distribution system (Phase 1) to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (448-89833/735140/470810) Does not affect existing traffic; Water distribution system (Phase 2) to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (448-89834/735141/470811); AND Water distribution system (Phase 3) to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (448-89835/835142/470812) Does not affect existing traffic. (District V)

WBW Contractors - \$58,120.50 (Total aggregate bid)

Reed's Cove from the east line of 127th Street East to the west line of Reed's Cove Court; Sidewalk on both sides of Reed's Cove from the east line of 127th Street East to the west line of Reed's Cove Court to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (472-83760/765796/490907) Does not affect existing traffic; and Peckham from the north line of Lot 13, Block 3 to Reed's Cove; Peckham Court serving Lots 59 thru 69, Block 2 to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (472-83761/765797/490908) Does not affect existing traffic. (District II)

Cornejo & Sons Inc. - \$190,781.50 (Total aggregate bid)

Water distribution system to serve Willowbend North Estates Second Addition - south of 43rd Street North, west of Rock. (448-89865/735144/470814) Does not affect existing traffic. (District II)

K C Excavating - \$17,654.00

37th & Ohio Soccer Field Development, Parking Lot Phase to serve Bridgeport Third Addition - south of 37th Street North, west of Hydraulic. (472-83738/785039/393171) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Cornejo & Sons Inc. - \$119,732.95

2003 Wheelchair Ramp and Sidewalk, Phase 3 (Arterial Sidewalk) - north of 47th Street South, east of 119th Street West. (472-83660/706828/706847 /202294/203313) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,V)

Barkley Construction - \$92,300.00 (Engineer's estimate)

Lateral 86, Main 22 War Industries Sewer to serve Wilson Farms 4th Addition - south of 21st Street North, west of Webb. (468-83696/744006/480694) Does not affect existing traffic. (District II)

WB Carter Construction - \$47,726.00

Storm Water Drain #206 to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (468-83651/751341/485232); Storm Water Drain #210 to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (468-83670/751343/485234) AND, Storm Water Drain #211 to serve Fox Ridge

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Addition - north of 29th Street North, west of Tyler. (468-83671/751344/485235) Does not affect existing traffic. (District V)

Unruh Excavating - \$310,915.00 (Base Bid/with Add Alternate/Total Aggregate bid)

Mayans moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

POLICE DEPARTMENT/FIELD SERVICES DIVISION: Current Model Panasonic Toughbooks.

Portable Computer Systems - \$110,951.00 (Total net bid)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Transportation of Biosolids.

Team Trucking - \$2.1800 (Group 1/per ton)

PARK DEPARTMENT/RECREATION DIVISION: K-96 Fishing Docks and Boardwalks.

Robl Commercial Construction, Inc. - \$31,860.00 (Base Bid)
\$18,300.00 (Group 1/Option 1)
\$ 4,760.00 (Group 1/Option 2)
\$ 2,750.00 (Group 1/Option 3)
\$ 55.00 (Group 1/Option 4 /per foot)

FIRE DEPARTMENT/FIRE MAINTENANCE DIVISION: Akron Parts.

Municipal Emergency Services-DBA MES-KAN - \$44,819.75 (Total net bid)

PUBLIC WORKS DEPARTMENT/BUILDINGS DIVISION: Replace Mud Pit Fire Station 1.

Sutherland Builders Inc. - \$5,635.00 (Total net bid)

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Powdered Activated Carbon.

Calgon Carbon Corporation - \$0.2950 (Group 1/price per pound)

AIRPORT DEPARTMENT/ENGINEERING DIVISION: Exterior Lighting Upgrade.

Phillips Southern Electric Co. Inc. - \$183,177.50 (Total net bid)

PARK DEPARTMENT/RECREATION DIVISION: Weight Equipment/Protective Floor.

Mid States Fitness Equipment - \$29,750.00 (Group 1/total net bid)

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

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LICENSES

APPLICATION FOR LICENSE FOR ADULT ENTERTAINMENT ESTABLISHMENT /SERVICES:

Renewal Adult Entertainment

Norman Massey Jr. Zigeffields 4200 West Kellogg Drive

Motion -- Mayans moved that the license be approved subject to Staff review and approval. Motion carried
-- carried 7 to 0.

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2003</u>	<u>(Consumption off Premises)</u>
Dennis Maloney	Express Petroleum LLC	441 South Greenwich Road
Stan Edde	Falley's Inc., dba Food 4 Less #18	6727 West Central
Stan Edde	Falley's Inc., dba Food 4 Less #23	2141 South Meridian
Stan Edde	Falley's Inc., dba Food 4 Less #37	3020 East Douglas
Stan Edde	Falley's Inc., dba Food 4 Less #38	640 North West Street
Boyce C. Bailey	Osco Drug #5111	2323 North Amidon
Boyce C. Bailey	Osco Drug #5132	2501 South Seneca
Boyce C. Bailey	Osco Drug #5135	4035 East Harry
Bao Q. Tran	B & H Fast Trips Co.	2796 South Seneca
<u>New Establishment</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
Sam Chitalad	Darla BBQ and Thai Cuisine*	5710 West Central Avenue
<u>New Operator</u>	<u>2003</u>	<u>(Consumption off Premises)</u>
Nasma H. Larhain	Johnny's Mini Mart #1	8008 East 21st Street
Nasma H. Larhain	Johnny's Mini Mart #2	3810 North Woodlawn
Steven Byers	C.B.'s Express, Inc.	7115 West 13th Street

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion -- Mayans moved that the licenses be approved subject to Staff review and approval. Motion carried
-- carried 7 to 0.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

a) Crest Street/Donegal Lane/Bristol Street from the north line of Reserve A (south line of Pine Meadow Street) to the north line of Lot 25, Block 1 (south line of Pine Meadow Street); Bristol Court from the west line of Bristol to and including the cul-de-sac serving Lots 11 through 17, Block 2; Bristol Court from the east line of Bristol to and including the cul-de-sac serving Lots 16 through 20, Block 1; Crest Court serving Lots 5 through 8, Block 1 to serve Pine Meadow Addition - east of Greenwich, south of 13th Street. (472-83458/765803/490914) Does not affect existing traffic.. (District II) - \$404,000.00

b) Install traffic signals at the Intersection of 29th & Webb - 29th, Rock to Webb Phase II - (29th Street North & Webb Road. (472-83519/706841/202307) Traffic to be maintained using flagpersons and barricades. (District II) - \$120,000.00

c) Zelta from the south line of Lincoln to the east line of Lot 46, Block 5; Zelta Court, serving Lots 1 through 9, Block 1, from the west line of Zelta to and including the cul-de-sac; Zelta Court, serving Lots 23 through 29, Block 3 from the east line of Zelta to and including the cul-de-sac; Bracken from the north line of Zimmerly to the west line of Zelta; Bracken Court, serving Lots 14 through 18, Block 2 from the south line of Bracken to and including the cul-de-sac; Zimmerly from the west line of

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Lot 20, Block 1 to the west line of Zelta; Zimmerly Court serving Lots 12 through 22, Block 3 from the north line of Zimmerly to and including the cul-de-sac; Sidewalk on one side of Zimmerly from the east line of Bracken, to the west line of Zelta; Sidewalk on the west side of Zelta from the south line of Lincoln to the west line of Lot 46, Block 5; Sidewalk on the east side of Zelta from the south line of Lincoln to the north line of Lot 31, Block 3; Sidewalk on one side of Bracken from the north line of Zimmerly to the west line of Zelta to serve Woodland Lakes Estates Third Addition - north of Harry, west of 127th Street East. (472-83715/765800/490911) Does not affect existing traffic. (District II) - \$662,000.00

d) Joann, Central to Zoo to serve Westridge Acres, Davis Gardens, and Omo Additions - north of Central, west of Sheridan. (472-83475/765718/490829) Traffic to be maintained using flagpersons and barricades. (District VI) - \$207,200.00

e) Bayley Court from the south line of Bayley, south to and including the cul-de-sac to serve Hilltop Manor Third Addition - north of Harry, west of Oliver. (472-83765/602500/800301/010110) Does not affect existing traffic. (District III) - \$40,000.00

Motion -- carried

Mayans moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

PETITIONS

STORM WATER DRAIN TO SERVE CRYSTAL CREEK ADDITION-NORTH OF HARRY, WEST OF GREENWICH. (DISTRICT II)

Agenda Report No. 03-0906

On August 5, 2003, the City Council approved a Petition to construct a storm water drain to serve Crystal Creek Addition. Based on receipt bid prices, the budget set by the Petition is not sufficient to award a contract. The developer has submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new residential development located north of Harry, west of Greenwich.

The original Petition totaled \$248,000. The new Petition totals \$325,000. The funding source is special assessments.

Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion -- carried

Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-454

A Resolution amending Resolution No. 03-430 pertaining to Storm Water Drain No. 212 (north of Harry, west of Greenwich) 468-83679, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

LAKEVIEW EST.

WIDEN AMIDON SOUTH OF 21ST TO SERVE PART OF LAKEVIEW ESTATES ADDITION. (DISTRICT VI)

Agenda Report No. 03-0907

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will improve traffic flow to a new commercial building located south of 21st, east of Amidon.

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The Petition totals \$6,500. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-455

Resolution of findings of advisability and Resolution authorizing improving Amidon Street for a street widening for the northbound lanes of Amidon Street from approximately three hundred and thirty feet south of the intersection with 21st Street North to one hundred forty feet south of the intersection with 21st Street North, (east of Amidon, south of 21st Street) ,in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

FOXRIDGE ADD.

PAVE WESTLAKE PARKWAY IN FOX RIDGE ADDITION-NORTH OF 29TH STREET NORTH, BETWEEN MAIZE AND TYLER. (DISTRICT V)

Agenda Report No. 03-0908

On August 5, 2003, the City Council approved a Petition to pave Westlake Parkway in Fox Ridge Addition. An attempt to award a construction contract within the budget set by the Petition was not successful. The developer has submitted a new Petition with an increased budget. The signatures on the new Petition represent 100% of the improvement district.

The project will serve a residential development located north of 29th Street North, between Maize and Tyler.

The original Petition totaled \$178,000. The new Petition totals \$210,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion -- carried

Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-456

A Resolution amending Resolution NO. 03-418 pertaining to Westlake Parkway from 80 feet west of the west line of Lot 33, Block 5 to the west line of Lot 146, Block 1 (north of 29th Street North, between Maize and Tyler) 472-83814, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

MEDITERRANEAN PL CONSTRUCT A SANITARY SEWER TO SERVE PART OF MEDITERRANEAN PLAZA ADDITION-NORTH OF 29TH STREET NORTH, WEST OF WEBB. (DISTRICT II)

Agenda Report No. 03-0909

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will extend sanitary sewer service to a commercial development located north of 29th Street North, west of Webb.

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The Petition totals \$16,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-457

Resolution of findings of advisability and Resolution authorizing improving of Lateral 85, Main 22, War Industries Sewer (north of 29th Street North, west of Webb) 468-83695, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

STREET CLOSURES CONSIDERATION FOR STREET CLOSURES/USES.

Agenda Report No. 03-0962

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted:

25th Annual Half Marathon – Sunday, Sept. 31 – 7:00-11:00 a.m.
Museum Blvd from Stackman to ½ mile past Cowtown 7:55 a.m.- 8:05 a.m.
Remainder of route on bike paths

Air Capital Chili and BBQ Cookoff, Saturday, September 27 – 5:00 am to 6:00 pm
First Street from Mead to Washington
Mosley from 1st to Douglas
Rock Island from 1st to Douglas

Race for the Cure, Saturday, September 27 – 7:00 – 10:00 a.m.
Douglas from Rock Road to Woodlawn
Rutland from Huntington south to Douglas
Post Oak from Huntington south to Douglas
Armour from Douglas south to second driveway on the north side of Town East
Whittier from Armour south to driveway of office building west of Town East

24th Annual KAKE-TV/Wichita Marathon. Sunday, October 19 – 9:30 a.m.-2:00 p.m.
Far west lane of Oliver from 31st to George Washington Blvd. (GWB) 9:30 a.m. – 12:30 p.m.
SW lane of GWB from Oliver to Mr. Vernon, 9:30 a.m.-12:45 p.m.
Far south lane of Mr. Vernon from GWB to Linwood Park, 9:45 a.m.-1:15 p.m.
Far south lane of Douglas from I-135 to Waco, 9:45 p.m.-1:45 p.m.

Gran Fiesta Patria, Saturday & Sunday, September 13th & 14th – Noon-11:00 p.m. & Noon-8:00 p.m. (respectively)
Far south lane of Douglas (right-hand east-bound lane) from Main to Water

Police security is arranged to remove blockades as necessary to allow emergency vehicle access during entire designated time period

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion--

Mayans moved that the requests be approved subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street;s (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining

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barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting Certificates of Insurance evidencing general liability insurance which covers the events and related activities, including the naming of the City as an additional insured with respect to the events' use of the closed City streets. Motion carried 7 to 0.

-- carried

AGREEMENTS/CONT GRANT AGREEMENT-HESS PUMP STATION MOTOR REPLACEMENTS.

Agenda Report No. 03-0910

Hess Pump Station, the primary pump station for the City's potable water, consists of eight pumps and motors. Two of the motors burned out and were replaced in 2001. On October 22, 2002, City Council approved replacing three additional motors, one of which had burned out in August 2002. Staff applied for grant funds to replace the remaining three motors that are over thirty years old and have exceeded their useful lives.

On April 11, 2003, the U.S. Environmental Protection Agency (EPA) approved a grant to the City of Wichita for Water and Wastewater Infrastructure Improvements. The funds are to be used for the replacement of motors at the Hess Pump Station, located at 1401 W. Museum Blvd.

The EPA Grant covers all approved expenses up to and not exceeding 55% of the approved budget of \$3,519,455 as described in the grant application. If the entire budgeted amount is expended, the grant will pay \$1,935,700 with the City's match amounting to \$1,583,755.

The project will be funded from CIP W-902 (Hess Motor Replacement) that has a balance of \$1.87 million, with an additional \$1 million proposed in the 2004 Capital Improvement Program. It is not anticipated that the project will exceed \$2.87 million.

Motion-- Mayans moved that Grant Application and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

THUNDERBIRD THUNDERBIRD OFFICE PARK-SOUTH OF MAPLE, WEST OF 119TH STREET WEST-SUPPLEMENTAL. (DISTRICT II)

Agenda Report No. 03-0911

The City Council approved the project on April 1, 2003. On July 1, 2003, the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for construction engineering and staking for the improvements in Thunderbird Office Park. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$13,090 and will be paid by special assessments.

Motion-- Mayans moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

WATERFRONT THE WATERFRONT ADDITION-NORTH OF 13TH, EAST OF WEBB, (\$3,900.00)-SUPPLEMENTAL. (DISTRICT II)

Agenda Report No. 03-0912

The City Council approved the project on June 17, 2003. On August 5, 2003, the City approved an Agreement with MKEC Engineering Consultants, Inc. (MKEC) to design the improvements. The

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Design Agreement with MKEC requires MKEC to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and MKEC provides for construction engineering and staking for the improvements in The Waterfront Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$3,900 and will be paid by special assessments.

Motion--
-- carried

Mayans moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

WATERFRONT

THE WATERFRONT ADDITION-NORTH OF 13TH, EAST OF WEBB, (\$66,325.00)- SUPPLEMENTAL. (DISTRICT II)

Agenda Report No. 03-0913

The City Council approved the project on March 25, 2003. On June 17, 2003, the City approved an Agreement with MKEC Engineering Consultants, Inc. (MKEC) to design the improvements. The Design Agreement with MKEC requires MKEC to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and MKEC provides for construction engineering and staking for the improvements in The Waterfront Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$66,325 and will be paid by special assessments.

Motion--
-- carried

Mayans moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

THIRD STREET

THIRD STREET FROM ARKANSAS RIVER TO ST. FRANCIS-SUPPLEMENTAL. (DISTRICT VI)

Agenda Report No. 03-0914

On June 3, 2003, the City entered into an Agreement with Wilson & Company, Inc. for designing improvements to the water main in 3rd Street from Arkansas to St. Francis. The fee was \$46,000.

The proposed Supplemental Agreement between the City and Wilson provides for additional design services for extending the water main from St. Francis to Santa Fe, connecting it to the railroad corridor water main being designed by Professional Engineering Consultants, P.A.

Payment will be on a lump sum basis of \$7,000 and will be paid by Operating Revenues.
The Supplemental Agreement has been approved as to form by the Law Department.

Motion--
-- carried

Mayans moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

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CLEAR CREEK

CLEAR CREEK ADDITION-WEST OF 143RD STREET EAST, SOUTH OF KELLOGG SUPPLEMENTAL. (DISTRICT II)

Agenda Report No. 03-0915

The City Council approved the project on May 6, 2003. On July 1, 2003, the City approved an Agreement with Ruggles & Bohm, P.A. (R&B) to design the improvements. The Design Agreement with R&B requires R&B to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and R&B provides for construction engineering and staking for the improvements in Clear Creek Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$27,200 and will be paid by special assessments.

Motion--
-- carried

Mayans moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

TYLER'S LANDING

TYLER'S LANDING ADDITION-SOUTH OF 37TH STREET NORTH, EAST OF TYLER-SUPPLEMENTAL. (DISSTRIC V)

Agenda Report No. 03-0916

The City Council approved the project on January 7, 2003. On March 4, 2003, the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for construction engineering and staking for the improvements in Tyler's Landing Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$17,430 and will be paid by special assessments.

Motion--
-- carried

Mayans moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

SHADOW WOODS

SHADOW WOODS ADDITION-WEST OF 135TH STREET WEST, NORTH OF MAPLE (\$17,100.00)-SUPPLEMENTAL. (DISTRICT V)

Agenda Report No. 03-0917

The City Council approved the project on May 6, 2003. On August 5, 2003, the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for construction engineering and staking for the improvements in Shadow Woods Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$17,100 and will be paid by special assessments.

Motion--
-- carried

Mayans moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

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EASEMENT

EASEMENT ENCROACHMENT. (DISTRICT II)

Agenda Report No. 03-0918

The Agreement allows Mark & Jane Mosley to occupy and construct for 401 Lynwood Blvd., improvements on, over, and across the aforesaid utility easement 8 feet in width described as the south 8 feet of Lot 6, Block S, Village Fifth Addition, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement.

he improvement is to be five (5) 18-inch by 18-inch concrete fence pillars encroaching 8 feet into above described easement on Lot 6, Block S, Village Fifth Addition. The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

There are no financial considerations.

Motion--
-- carried

Mayans moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

GILBERT/MOSLEY

PROFESSIONAL SERVICES (LEGAL)-GILBERT & MOSLEY PROJECT-SUPPLEMENTAL.

Agenda Report No. 03-0396

An agreement between the City of Wichita and the Coleman Company, Inc. ("Coleman"), provides for an arbitration procedure to determine the amount of the costs of the investigation and remediation of the Gilbert & Mosley project to be allocated to Coleman. A Dispute Resolution Agreement was approved on November 20, 2001. Under this Agreement the City and Coleman jointly retained the services of Alberto A. Gutierrez of Geolex, Inc. to hear and determine any unresolved disputes between the City and Coleman. That arbitration process has been ongoing and additional work has been identified that should bring the process to completion.

Under this Amendment to Dispute Resolution Agreement, the City and Coleman will continue to jointly retain the services of Alberto A. Gutierrez through Geolex, Inc. The Agreement is amended to provide an additional sum to complete the remaining proceedings. The City is responsible for 50% of the arbitration costs.

The City's portion of the additional fees and expenses under this Amendment are not-to-exceed \$42,745. The City's portion will be paid out of budgeted Gilbert & Mosley TIF funds.

The Amendment to the Agreement has been reviewed and approved as to form by the Law Department.

Motion--
--carried

moved that the Amendment be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

TRASH SERVICE

VARIOUS DEPARTMENTS, BOARDS AND AGENCIES , TRASH CONTAINERS AND COLLECTION SERVICE.

Agenda Report No. 03-0920

The City of Wichita currently contracts with Waste Management to provide trash collection service for various City departments, boards and agencies throughout the City. There are over 100 points of service ranging from fire stations to the park locations and to the Airport. The current contract will expire August 2003. Request for proposal (FP300045) to provide trash containers and labor and equipment necessary to provide trash collection service for specified City buildings and areas was sent to five vendors.

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Three (3) proposals were received and evaluated by staff from Finance, Park and City Manager's office. The evaluation criteria included: 1) the ability to meet or exceed all requirements listed in the scope of services; 2) qualifications and experience; 3) equipment; 4) references; 5) customer service; and 6) cost/pricing. Staff selected Waste Management on the basis of the best and lowest cost proposed, estimated at \$11,906.50 per month.

Budget is available in each department's line item budget.

The Contract will be approved as to form by the Law Department.

Motion--
-- carried

Mayans moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

LIFT STATION

LIFT STATION NO. 2-15TH STREET AND FERRELL.

Agenda Report No. 03-0921

A siphon installed under the Little Arkansas River near North High School is in need of reconstruction. The current configuration and hydraulics of the existing lift station and siphon make it impossible to clean.

The lift station is 35 – years old and in need of rehabilitation. The siphon is in excess of 75 – years old. The proposed project will replace both the lift station and the siphon to ensure reliable functioning of the system under the river.

Requests for Proposals were solicited from engineering firms; six firms responded. The Staff Screening & Selection Committee heard presentations on July 10, 2003, and selected MKEC to provide services. Staff believes the present contract providing for half-time inspection by MKEC is sufficient; however, MKEC has expressed concerns that full-time inspection may be necessary. If it is found that full-time inspection is required, the contract can be revised with the approval of City Council.

Reconstruction of Old Sanitary Sewers (CIP S-4) has a budget of \$3.6 million for 2003. CIP S-4 will be funded from future revenue bonds and/or Water Utility cash reserves. The Contract is \$60,300 for design and construction related services.

Motion--
-- carried

Mayans moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN AGREEMENTS:

a) This Item pulled from the Agenda.

FOX RIDGE ADD.

FOX RIDGE ADDITION-NORTH OF 29TH STREET NORTH, BETWEEN MAIZE AND TYLER. (DISTRICT V)

Agenda Report No. 03-0923

The City Council approved the project on June 10, 2003.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements in Fox Ridge Addition. Per Administrative Regulation 7a, staff recommends the selection of MKEC as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$53,600, and will be paid by special assessments.

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Motion--
-- carried

Mayans moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

COLLECTIVE ADD. THE COLLECTIVE ADDITION-EAST OF K-96, SOUTH OF 21ST. (DISTRICT II)

Agenda Report No. 03-0924

The City Council approved the project on December 11, 2001.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond financed improvements in The Collective Addition. Per Administrative Regulation 7a, staff recommends the selection of PEC as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$34,700, and will be paid by special assessments.

Motion--
-- carried

Mayans moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

CHANGE ORDERS: STORM WATER DRAIN TO SERVE FOREST LAKES ADDITION-NORTH OF 29TH STREET NORTH, WEST OF RIDGE. (DISTRICT II)

Agenda Report No. 03-0925

On April 16, 2002, the City Council approved a construction contract for drainage improvements to serve Forest Lakes Addition, a new residential development located north of 29th Street North, west of Ridge. Federal erosion control regulations require that anti-erosion measures be maintained beyond the construction phase. The additional work includes silt fencing, seeding, excelsior blankets, and hay bale ditch checks.

A Change Order has been prepared for the additional work. Funding is available within the project budget.

The total cost of the additional work is \$18,900. The funding source is special assessments.

The Law Department has approved the Change Order as to legal form. The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

TREATMENT PLNT NORTHWEST SEWAGE TREATMENT PLANT-NORTH OF 37TH STREET NORTH, EAST OF 135TH. (DISTRICT V)

(This item was pulled from the agenda)

HUD HUD ECONOMIC DEVELOPMENT INITIATIVE GRANT-EVERGREEN LIBRARY.

Agenda Report No. 03-0927

On February 20, 2003, the U.S. Department of Housing and Urban Development announced the award of an Economic Development Initiative Special Project grant to the Evergreen Public Library. The purpose of the grant is to renovate and improve the Evergreen Branch Library.

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The Evergreen Branch Library occupies a 14,300 square foot building located at 25th Street North and Arkansas Avenue. On March 27, 2001, the Council approved a public/private partnership between the Wichita Public Library and the Child Care Association of Wichita/Sedgwick County (Head Start).

The Wichita Public Library occupies two-thirds of the facility for traditional library services. The library houses 32,287 books and the popular audiovisual section contains 4,755 items. Computer stations can accommodate seven patrons with one ADA compatible computer station with adjusting table and keyboard and special electronics for visual and hearing-impaired persons. The Library contains meeting space for neighborhood residents/groups.

The Head Start program occupies 3 classrooms providing space for 64 pre-school children from the community. The facility has a kitchen for the preparation of meals. Head Start also provides space for H.O.P.E and Wichita Acts on Truancy.

The City of Wichita will serve as the grantee for the Evergreen Branch Library grant. The major portion of the project was completed November 16, 2002, however additional funding is needed to upgrade the entrance with automatic doors that will allow easier access for people with disabilities, complete the unfinished conference room, storage facilities and improve ventilation.

The grant totals \$89,415 and does not require matching funds.

Motion--
carried

Mayans moved that the Grant Application and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

HISTORIC PRESERV. HISTORIC PRESERVATION BOARD BY-LAWS AMENDMENTS.

Agenda Report No.03-0928

The Historic Preservation Board periodically reviews their policies and procedures to evaluate the ability of the Historic Preservation Board and Historic Preservation staff to be responsive to the needs of the public while upholding the intent of the City of Wichita's Historic Preservation Ordinance and the state historic preservation law. There have been changes and additions to the City of Wichita's inventory of designated historic structures particularly with the State/National Register Designation of Old Town as the Warehouse and Jobbers Historic District.

At the regularly scheduled Historic Preservation Board meeting held on August 11, 2003, the Historic Preservation Board voted 4-0 to adopt the proposed by-laws amendments to broaden the scope of projects approved at the staff level, and change the agenda deadline. The board members were notified a minimum of 5 days prior to the meeting of the proposed changes as required in Article VI, Section 1 of the By-laws of the Historic Preservation Board.

The law department reviewed the proposed amendments submitted to the Historic Preservation Board and approved the recommended changes. The amendments to the by-laws do not substantively change the procedures or purpose of the HPB as set forth in Section 2.12.1015-1025 of the Code of Ordinances of the City of Wichita.

Motion--
--carried

Mayans moved that the Historic Preservation Board By-laws as amended be received and filed. Motion carried 7 to 0.

KS WILDLIFE

APPLICATION FOR KANSAS WILDLIFE & PARKS RECREATION TRAILS GRANT. (DISTRICT I)

Agenda Report No. 03-0929

To make improvements to the grounds surrounding the Great Plains Nature Center, the Department of Park and Recreation is making application for a grant from the Kansas Department of Wildlife & Parks

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in order to construct a 44-foot diameter octagonal open outdoor shelter building and a 500-foot section of nature trail.

The Kansas Department of Wildlife & Parks has federal funds available and administered through its National Recreation Trails Fund assist agencies in developing trails and other associated amenities. The funds from this grant will assist in the construction of a small shelter building (44' in diameter) which will be used in a variety of ways—as a staging area for arriving groups, as an outdoor classroom for educational programs, and as a picnic shelter when not in use for programming. Grant funds will also be used to construct a 500 ft. section of nature trail that will connect the shelter structure with the existing trail system already in place at the site.

This is matching grant, with the National Recreation Trails Fund providing 80% of the costs. The remaining 20% match will be provided by the Friends of the Great Plains Nature Center.

The City of Wichita will provide interim funding for the \$100,000 project, of which 80% (\$80,000) will be reimbursed by the granting agency and 20% (\$20,000) will be provided by the Friends of the Great Plains Nature Center, a non-profit agency.

Motion--
-- carried

Mayans moved that the Grant Application and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

BOATHOUSE

REPLACE WINDOWS AND REPAIR FLOORS IN BOATHOUSE. (DISTRICT I)

Agenda Report No. 03-0930

The Wichita Boathouse is a very visible facility providing information to visitors, housing displays for public viewing, and providing rental space for many events, both public and private. Many of the old steel sash windows were replaced with more thermally efficient units in 1997, but there are 11 more windows that still need to be replaced. In addition, the hardwood floors have become worn and unsightly.

The eleven windows that have not yet been replaced are very inefficient, allowing a great deal of air to pass through poorly sealed gaps. This causes unnecessarily high heating and cooling costs, and it is the cause for high humidity in the building during the summer. The hardwood floors have received a great deal of wear from heavy use, and need to be refinished. However, due to the high humidity level in the building, the wood floor boards have expanded causing warping and cupping. Before the floor can be refinished, the windows must be replaced to control the humidity and the floor must be modified to allow for expansion so that it will lay flat and smooth.

The estimated cost for the project is \$40,000 and would be paid from the enhanced building maintenance fund, which was established in 1999 for major building maintenance projects and aesthetic improvements.

Expenditures over \$25,000 require Council approval.

Motion--
--carried

Mayans moved that the project be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CENTURY MFG.

IRB-BONDS, CENTURY MANUFACTURING, INC. (DISTRICT II)

Agenda Report No. 03-0931

On March 4, 1994 the City Council approved the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$4 million to finance facilities for the benefit of Century Manufacturing, Inc. (the Tenant). The bond proceeds were used to finance construction of a new corporate headquarters building and main manufacturing plant, and to acquire production machinery. Century Manufacturing is requesting City Council to ratify an early call of a portion of the bonds.

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Section 305 of the Bond Indenture provides that the Issuer may elect to redeem Bonds subject to optional redemption upon receipt of a written request of the Tenant. Under the terms of the Indenture, the Issuer is required to give written notice to the Trustee, directing the Trustee to call the Bonds, at least 30 days prior to the stated call date. The Tenant issued notice to the Trustee, but did not provide its separate, written notice to the City until August 18, 2003. Because the item could not be set on a Council agenda prior to this September 1 call date, the Tenant has requested the City to ratify the call at this time. We have been advised by the Trustee, that the call was completed on September 1, 2003, without objection by bondholders to the late call notice.

There is no financial impact to the City resulting from the proposed redemption. Tenant funds will be the source of funds for the redemption.

Motion--

Mayans moved that the normal Tenant notice requirement for early redemption of a portion of the Series 1994 Bonds be waived, and the call and the notice and instructions given by the Tenant to the Trustee be ratified. Motion carried 7 to 0.

--carried

PROPERTY ACQ.

ACQUISITION OF A PORTION OF 7024 EAST KELLOGG FOR THE EAST KELLOGG IMPROVEMENT PROJECT. (DISTRICT II)

Agenda Report No. 03-0932

In December 2000, the total acquisitions required for the East Kellogg/Woodlawn Road Improvement Project were released for active acquisition. Current plans call for construction of the Woodlawn/Kellogg interchange to start in 2003. A portion of the property at 7024 East Kellogg is one of the required tracts. The property is improved with a garden style apartment complex. The proposed improvements to Kellogg require the south 197 feet of the drive approach. .

The required parcel contains 5,910 square feet. It is improved with paving, landscaping, and the monument sign for the apartment complex. The owner has agreed to accept \$170,000. This amount compensates the seller for increased proximity to traffic, modifications to the property's storm water system necessitated by the project, loss of landscaping, loss of project signage and loss of land. .

The Capital Improvement Program includes funds for acquisitions. The funding source will be local sales tax revenues. A budget of \$175,000 is requested. This includes \$170,000 for the acquisition and \$5,000 for closing costs, surveys and title insurance.

The Law Department has approved the contracts as to form.

Motion--

Moved that the budget and the real estate purchase contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

OLD TOWN CINEMA

FINALIZATION OF LAND OWNERSHIP: OLD TOWN CINEMA PROJECT. (DISTRICT VI)

Agenda Report No. 03-0933

On December 19, 2000, the City Council approve a development agreement with Cinema Old Town, L.L.C. for the development of a six-screen cineplex and related developments to be constructed in the Old Town area. Under the terms of the development agreement, the developer was to acquire all land upon which the privately owned improvements are constructed and the City was to acquire the land upon which the public facilities are constructed. Upon acquisition, the site was replatted with the City improvements on Lot 1, Block 1, Old Town Square Addition and developer's improvements on Lots 2 and 3.

When the legal descriptions of the land acquired were matched to the replat, it was noted that there was slight discrepancy with a portion of Lot 3 actually being located on property titled to the City. In order to bring the land ownership in compliance with the development agreement, it is proposed that this land be transferred by quit-claim deed to the developer.

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This transfer has no financial impact.

The Law Department has approved the deed as to form.

Motion--
--carried

Mayans moved that the transfer be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SEWER EASEMENT

SEWER EASEMENT FOR SANITARY SEWER MAIN TO SERVE AN AREA ORTH OF 29TH STREET NORTH, WEST OF TYLER. (DISTRICT V)

Agenda Report No. 03-0934

On May 7, 2002, the City Council approved a project to extend a sewer main to serve the new Maize Middle School campus and developing areas north of 29th Street North, west of Tyler. On December 17, 2002, the City Council approved acquisition of easements required for the project. In order to complete the easement acquisition, a final payment is required for a small 8,154 square foot tract.

The acquisition cost is \$2,808. Funds are available within the project budget. The project is being funded 50% by the Sewer Utility and 50% by Special Assessments.

State Statutes authorize the City Council to acquire easements as needed for sanitary sewer main extensions.

Motion--
--carried

Mayans moved that the payment for sanitary sewer main easement be authorized. Motion carried 7 to 0.

SEWER MAIN

SANITARY SEWER MAIN TO SERVE AN AREA GENERALLY BOUNDED BY 29TH STREET NORTH, HOOVER, K-96, AND TYLER. (DISTRICT V)

Agenda Report No. 03-0935

On May 20, 2003, the City Council approved a project to extend a sanitary sewer main to serve an area generally bounded by 29th Street North, Hoover, K-96, and Tyler. Part of the cost was assessed to an improvement district. Since that time, additional land has been annexed and the developers have requested that their properties be added to the improvement district. An amending Resolution has been prepared to expand the improvement district.

The sewer main will connect to an existing line near 29th Street North and Ridge Road, extend north to 37th Street North, then branch west and east along 37th Street North.

The previously approved budget is \$5,000,000, with \$3,750,000 paid by the Sewer Utility and \$1,250,000 by special assessments. The proposed budget is \$5,600,000, with \$3,865,000 paid by the Sewer Utility and \$1,735,000 paid by special assessments. The estimated rate of assessment to individual properties is \$00.045 per square foot.

State Statutes provide the City Council the authority to order in sanitary sewer projects.

Motion--carried

Mayans moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-458

Resolution of findings of advisability and Resolution authorizing improving of Main 19, Southwest Interceptor Sewer, 468-83186, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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GILBERT & MOSLEY DISPUTE RESOLUTION OFFICER AGREEMENT AMENDMENT-GILBERT & MOSLEY.

Agenda Report No. 03-0396

An agreement between the City of Wichita and the Coleman Company, Inc. ("Coleman"), provides for an arbitration procedure to determine the amount of the costs of the investigation and remediation of the Gilbert & Mosley project to be allocated to Coleman. A Dispute Resolution Agreement was approved on November 20, 2001. Under this Agreement the City and Coleman jointly retained the services of Alberto A. Gutierrez of Geolex, Inc. to hear and determine any unresolved disputes between the City and Coleman. That arbitration process has been ongoing and additional work has been identified that should bring the process to completion.

Under this Amendment to Dispute Resolution Agreement, the City and Coleman will continue to jointly retain the services of Alberto A. Gutierrez through Geolex, Inc. The Agreement is amended to provide an additional sum to complete the remaining proceedings. The City is responsible for 50% of the arbitration costs.

The City's portion of the additional fees and expenses under this Amendment are not-to-exceed \$42,745. The City's portion will be paid out of budgeted Gilbert & Mosley TIF funds.

The Amendment to the Agreement has been reviewed and approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Amendment be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

ASSESS. ROLLS

PROPOSED ASSESSMENT ROLLS.

Motion--
-- carried

Mayans moved that the hearing on the Proposed Assessment Rolls for 9:30 a.m., Tuesday, October 7, 2003, be set and the notices of hearing be published at least once, not less than 10 days prior to the date of hearing. Motion carried 7 to 0.

ASSESS. ROLLS

PROPOSED ASSESSMENT ROLLS.

Motion--
--carried

Mayans moved that the hearing on the Proposed Assessment Rolls for 9:30 a.m., Tuesday, October 7, 2003 be set and the notices of hearing be published at least once, not less than 10 days prior to the date of hearing. Motion carried 7 to 0.

ORDINANCES

SECOND READING ORDINANCE. (FIRST READ AUGUST 19, 2003)

a) Animal Control.

ORDINANCE NO. 45-784

An Ordinance amending Sections 6.04.010, 6.04.040, 6.04.046, 6.04.047 and 6.04.048 of the Code of the City of Wichita, Kansas, pertaining to animal control and protection, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

b) Central Avenue Bridge at Tara Street. (District II)

ORDINANCE NO. 45-785

An Ordinance declaring the Central Bridge at Tara (472-83801) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed

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upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

c) Amendment to the Minimum Facility Liability Insurance Standards for Licensed Alternative Correctional Housing Facilities.

ORDINANCE NO. 45-786

An Ordinance amending Section 20.08.110 of the Code of the City of Wichita, Kansas, pertaining to minimum liability insurance standards for alternative correctional housing facilities, and repealing the original of said Section, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

d) Sidewalk repairs.

ORDINANCE NO. 45-787

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

e) A03-21-near the southwest corner of the South Tyler Road/West MacArthur Street Intersection. (District IV)

ORDINANCE NO.45-788

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (A03-21)

FIRST READING ORDINANCE-TECHNICAL BOARD RESIDENCY.

Motion--carried

Mayans moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance for the City of Wichita pertaining to residency requirements for certain boards and commissions: amending Sections 2.210.010, 18.04.020, and 22.04.150 of the Code of the City of Wichita; and repealing the original of said Sections, introduced and under the rules laid over.

PLANNING AGENDA

John Schlegel, Planning Director stated that Items 40-43 and 45-55 could be considered as consent Items.

Motion -- carried

Mayans moved that Items 40-43 and 45-55 be approved as consent Items. Motion carried 7 to 0.

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DED 2003-16

DED 2003-16-DEDICATION OF A UTILITY EASEMENT, LOCATED SOUTH OF CENTRAL AND WEST STREET. (DISTRICT IV)

Agenda Report No. 03-0938

As a requirement of a lot split (Case No. SUB 2003-53), this Dedication is being submitted for a utility easement for construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

The Dedication will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedication be accepted. Motion carried 7 to 0.

DED 2003-18

DED 2003-18-DEDICATION OF A UTILITY EASEMENT, LOCATED ON THE NORTHWEST CORNER OF WEBB AND 29TH STREET NORTH. (DISTRICT II)

Agenda Report No. 03-0939

As a requirement of a lot split (Case No. SUB 2003-44), this Dedication is being submitted for a utility easement for construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

The Dedication will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedication be accepted. Motion carried 7 to 0.

DED 2003-19

DED 2003-19-DEDICATION OF ACCESS CONTROL, LOCATED NORTH OF ORME AND WEST OF GOVENEOR. (DISTRICT II)

Agenda Report No. 03-0940

As a requirement of a zoning case (Case No. ZON 2003-09), this Dedication is being submitted to allow complete access control along Orme.

The Dedication has been reviewed and approved by the Planning Commission.

The Dedication will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedication be accepted. Motion carried 7 to 0.

ZON 2003-36

ZON 2003-36-ZONE CHANGE FROM LIMITED INDUSTRIAL, GENERAL OFFICE AND MULTI-FAMILY RESIDENTIAL TO GENERAL COMMERCIAL, SOUTH OF MURDOCK AND EAST OF TOPEKA. (DISTRICT VI)

Agenda Report No. 03-0941

The applicant is seeking "GC" General Commercial zoning for Lots 41& 43, Topeka Pines Addition, the north 20-feet of Lot 47, 49 -57 odd and 40-56 even, J.P. Hiltons Addition located south of Murdock and between Emporia Avenue, Topeka Avenue and Pine Street. The lots are currently zoned "LI" Limited Industrial, "GO" General Office & "B" Multi-Family Residential. These lots are part of a site/block that the applicant proposes to develop into a family clinic center.

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The site, along with the "GC" property north of the site, has recently been prepared for redevelopment. Parking lots are the remaining active use on the site/block.

Across Murdock Avenue and north of the site is the dominant development of the area, the Saint Francis Via Christi Medical complex. The proposed development would follow a similar development pattern established in the area; assorted medical service offices expanding out of the Via Christi complex. West of the site (across Topeka) are older 2 -story single-family residences and a duplex. South of the site are a vacant bakery, a thrift store for bakery goods, the Metro Midtown Alternative High School, vacant properties and older apartments. Developments east of the site include a medical service, a small accessory structure, parking, and vacant property.

No one spoke against the requested "GC" zoning change at the August 7, 2003 MAPC meeting and Staff has not received any calls or written protest against the requested zoning change. The MAPC voted (11-0) to approve the request subject to replatting within a year.

DAB VI considered and approved the request for "GC" zoning, subject to replatting within a year (11-0) at their August 4, 2003 meeting. No one spoke against the requested zoning change request at the DAB VI meeting and Staff has not received any calls or written protest against the requested zoning change.

Motion--

--carried

Mayans moved that the findings concur with MAPC and the zone change subject to replatting within a year, be approved; and the Planning Department forward the ordinance for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

(Item No. 44)
CUP 2003-25

CUP 2003-25 (ASSOCIATED WITH ZON 2003-25)-AMENDMENTS TO DP-3 TWIN LAKES SHOPPING CENTER C.U.P. AND A ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL, MULTI-FAMILY RESIDENTIAL, LIMITED COMMERCIAL AND GENERAL OFFICE TO GENERAL COMMERCIAL-SOUTHEAST CORNER OF 21ST STREET NORTH AND AMIDON. (DISTRICT VI)

John Schlegal

Planning Director reviewed item.

Council Member Martz momentarily left the bench.

Agenda Report No. 03-0942

The applicant proposes to amend DP-3 Twin Lakes Shopping Center Community Unit Plan by dividing the main shopping center into two large parcels (Parcels 2 and 8) and five smaller parcels and to add approximately three acres zoned "SF-5" Single-family Residential that is part of the lake to the south. This three-acre portion of the lake is held in the same ownership as the Twin Lakes Shopping Center. The bulk of the lake is held in separate ownership by the adjoining apartment development, and is not included in the C.U.P.

The applicant eliminated a request to increase the area allowed for drinking establishments.

Currently, the majority of the 22-acre tract is zoned "LC" Limited Commercial, including Parcel 1, the main shopping center. Parcel 1 would be divided into the two main parcels (Parcels 2 and 8) and five smaller parcels. The existing Parcel 2 would be relabeled Parcel 3. It is a strip about 100 feet wide along Amidon Street that is zoned "GO" General Office and is a parking lot. The existing Parcel 3 is a buffer strip of "B" Multi-family Residential along Woodrow Avenue that would become part of Parcel 8. A portion of Parcel 1 (37,500 square feet) is already zoned "GC" General Commercial, and would become a part of Parcel 8 also.

The shopping center is on two levels with two main buildings. The upper level has retail stores, restaurants, a drinking establishment, a craft mall, and a theatre. The lower level has offices including a ComCare and a Kansas Division of Motor Vehicles ("DMV") office, a medical office, a private club, and an electronics firm. Also, a large part of the old Sears Department Store is vacant. A wireless

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communication monopole and a driver testing site for the DMV are located on the southeast part of the site.

Originally the applicant had requested to rezone the entire property "GC" but this request had been modified to rezone only the footprint of the main buildings on Parcel 2 and 8 to "GC" plus a modest expansion of the current parking lot area to "GC" but to allow general commercial uses within the buildings on the lower level only of the two-level shopping center and in the "GC" parking lot area. The parking lot area along Woodrow would be rezoned from "B" to "LC". At the DAB and MAPC meetings, the applicant again reinstated the request to zone all of Parcels 2 and 8 as "GC".

The applicant is willing to eliminate many of the "GC" uses from Parcels 2 and 8, and to follow the more stringent screening and buffering requirements for the "LC" district around any outdoor "GC" uses. Portable storage containers would be prohibited.

The uses to be excluded from Parcels 2 and 8 on the lower level are: adult entertainment establishments, correctional placement residences, day reporting centers; auditorium or stadium; animal care, general; kennel, hobby; night club in the city; recreation and entertainment, outdoor; riding academy or stable; tattooing and body piercing; tavern and drinking establishment; vehicle sales except auto rental agencies; vehicle repair, general; asphalt or concrete plant, limited; manufacturing, general; recycling processing center; vehicle storage yard; welding or machine shop. Outdoor display and storage in conjunction with secondhand stores would be prohibited. Upper level— all uses allowable in "LC" zoning except adult entertainment establishments, day reporting centers; correctional placement residences, tattooing and body piercing; night club in the city. Wireless communication facility would be allowed per CUP2000-40.

The new "GC" uses allowed on the lower level would be: kennel, training only; microbrewery; monument sales; printing and publishing, general; vehicle repair, general (body shop) limited to indoor only; warehouse, self-service storage; and manufacturing, limited; research services; warehousing; wholesale or business services.

Four small parcels would be added along 21st Street North and one small parcel along Amidon. Parcel 1 (0.59 acre) is a special circumstance. It is the area currently occupied by Taco Bell along 21st Street North, and is held in separate ownership from the remainder of the C.U.P. The parcel would retain its designation as "Parcel 1" because the owner of this parcel is not an applicant to this amendment. The zoning and development rights of this tract cannot be changed without a request by the owner of the Taco Bell parcel, or by action initiated by the governing body.

Parcel 4 (0.68 acre) is the location of the existing Wendy's on the northeast corner of the C.U.P. Parcels 5 and 6 are vacant except for a kiosk for a photo drop-off in Parcel 6. A 25-foot city water easement bisects Parcels 5 (0.69 acre) and Parcel 6 (0.46 acre) from the northwest corner to southeast corner. This is a major water transmission line and will impact the location of any buildings on these two parcels, since the buildings must be located outside the easement. One additional small parcel is proposed along Amidon, Parcel 7 (0.45 acres).

Maximum building coverage would remain at 30 percent for old Parcel 1; no gross floor area or FAR requirements are included. Proposed height would remain at 45 feet or four stories for Parcel 1, but be reduced to two stories for the other parcels.

The amendment would replace the minimum existing parking requirement of 1,388 parking spaces currently in effect. It would be replaced with the minimum parking requirements of the Unified Zoning Code. The staff report for Amendment #1 stated that the parking requirements in 1993, based on City Zoning Code requirements applied to the existing uses, was 1,714 parking spaces. The staff report recommended that this requirement be reduced to 1,388 spaces based on the tenant mix, which included drinking establishments that could not be open prior to 6:00 p.m.

The C.U.P. drawing shows 1,017 parking spaces currently exist, which is well below the current requirement of 1,388 spaces and may be below the Unified Zoning Code minimum requirements as well. The DMV now uses a parking area as a test drive site. This removed over 200 parking spaces from the site. Without a detailed parking plan to document the current relationship between parking

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requirements and tenant mix, it is difficult to estimate the current requirements per code. According to the applicant's agent, the proposed mix of tenants will include uses with lower parking requirements, which will enable the center to meet its parking requirements.

The proposed building setbacks along 21st Street North and Amidon are set at a uniform standard of 35 feet. Currently they vary from 35 feet to 80 feet, and the 80-foot setback is an impediment to developing the parcels near the street.

The C.U.P. adds a provision for architectural consistency for any new buildings on Parcel 2 and prohibits metal as a predominant exterior material on this parcel. The only specific landscaping requirement is a 5-foot strip along Woodrow/20th Street and a 10-foot strip on Amidon. Otherwise landscaping would be per Landscape Ordinance.

Outdoor concerts/bands would be prohibited except for special events permitted by the city.

The character of the surrounding area is commercial to the north and west and residential to the south and east. The property north and west of the site is zoned "LC" Limited Commercial and is developed with smaller shopping centers on the other three corners of the intersection. The property south and east of the site is zoned "B" Multi-Family Residential and "SF-5" Single-Family Residential and is developed with the Twin Lakes Apartments, a recreational lake, and single-family residences in the Cornelison Addition.

Several meetings were held between the neighbors and the applicant's agent prior to the DAB and MAPC meetings. At these meetings general discussions focused on the need to revitalize the center, concerns with traffic and safety issues from patrons of the center traveling through the neighborhood. The primary concerns seemed to be problems with patrons of the drinking establishment located on the northeast corner of the shopping center. After these discussions the applicant withdrew the original request to expand the square footage allowable for drinking establishments and not to require that all the drinking establishment use be concentrated to this part of the shopping center (proposed Parcel 8). Also, staff was requested to look at possible ways to reduce traffic conflicts between shopping center patrons and the neighborhood. As a result of this evaluation, staff suggested closure of a drive on 21st Street North on Parcel 4, restriction of right-turns onto Woodrow from Parcel 8, and closure of the drive entrance on 20th Street North.

At the District VI Advisory Board meeting held August 4, 2003, the advisory board voted (11-0) to approve subject to staff recommendations except for the additional traffic related recommendations of closure of a drive on 21st Street North on Parcel 4, restriction of right-turns onto Woodrow from Parcel 8, and closure of the drive entrance on 20th Street North. Although these traffic recommendations had been spurred by the previously voiced concerns of neighbors, after more neighborhood input, it appeared that most of the neighbors preferred not to restrict their access to the center and were opposed to the recommendations. Concerns that remained important to DAB members were the need for redevelopment of the center, and ensuring adequate landscaping and screening. The agent stated that they desired to rezone all of Parcels 2 and 8 to "GC" instead of just the footprint of the shopping center buildings. DAB did not recommend this change from staff recommendations. Several citizens were present to speak at the DAB meeting.

The MAPC voted (11-0) to recommend approval of the zone change and CUP amendment subject to the DAB recommendation except to delete the requirement that the "GC" zoning be confined to the footprint of the shopping center buildings on Parcels 2 and 8. Several citizens were present and spoke at the meeting. Recommendations are:

A. APPROVE the zone change (ZON2003-00025) to "GC" General Commercial for Parcel 2 and Parcel 8, with this "GC" zoning subject to restrictions of the C.U.P. (including limitation of "GC" uses to the lower level only and to that area already zoned "GC");

B. APPROVE DP-3 Amendment #3, subject to the following revisions to the C.U.P. plan submitted for the review:

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1. A general provision shall be added to state: "No outdoor display or outdoor work and storage areas shall replace required parking areas." All outdoor work and storage areas and outdoor display shall be developed in conformance with the "LC" outdoor display and work and storage area requirements of the UZC.
2. A general provision shall be added to state: "Trash receptacles, loading docks and loading areas, outdoor work and storage areas, and rooftop mechanical equipment shall be screened from view from Amidon Street, 21st Street North, Woodrow Street, 20th Street North and the residential areas surrounding the lake."
3. Prior to the issuance of any building permits, the applicant shall submit a parking plan documenting compliance with the requirements of the Unified Zoning Code or provision of 1,388 spaces, whichever is less, to be reviewed by the Superintendent of Central Inspection. This plan shall document the square footage of individual uses or occupancy load, based the method of computation used by the Unified Zoning Code. The parking requirements shall not be reduced below the requirements of the Unified Zoning Code or 1,388 spaces, whichever is less.
4. General Provision #1A shall be revised to state "Maximum sign height adjacent to Amidon and 21st Street North shall not exceed 25 feet in height, except for one (1) shared tenant sign on each of Amidon and 21st Street that may be 30 feet in height. Any new or replacement ground signs shall be spaced at least 150 feet from adjoining signs along the Amidon/21st Street frontages, regardless of parcel ownership. The amount of ground signs shall not exceed 0.8 square feet of lineal frontage on 21st Street and Amidon. No ground signage is permitted on Woodrow. Other sign provisions per City of Wichita Sign Code."
5. The right-turn lane on Amidon adjacent to Parcel 7 shall be extended to connect with the existing right-turn decel lane to the north, and a ten-foot sidewalk and utility easement shall be dedicated.
6. General Provision #10 shall be revised to state "Development or redevelopment of Parcels 2-8".
7. A landscaped street yard on the east property line of Parcel 8, consisting of solid evergreen plant materials or masonry or concrete wall with landscaping per the Landscape Ordinance shall be provided along Woodrow except at points of sight clearance.
8. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
9. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this amendment by the MAPC or Governing Body, as applicable, or the request shall be considered denied and closed.

A protest petition has been received. It represents 49 percent of the protest area and will require a 3/4th majority vote by Wichita City Council to approve.

Motion--

Fearey moved to concur with the findings of the MAPC and approve the Zone change except that "GC" Zoning shall be confined to the footprint of the shopping center building on parcels two and eight with the boundaries of outline on the site plan shown today and the C.U.P. Amendment with the addition of a requirement that drinking establishments be no closer than 200 feet from the nearest residential property zoning subject to platting within one-year and recommended conditions, instruct the planning department to forward the Ordinance for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

--carried

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CUP 2003-38

CUP 2003-38 (ASSOCIATED WITH ZON 2003-37)-AMENDMENT #2 TO DP238 TWENTY FIRST GROWTH COMMERCIAL C.U.P. AND A ZONE CHANGE FROM MULTI-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL-NORTH OF 21ST STREET NORTH AND EAST OF 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 03-0943

The applicant is requesting that Parcel 1 be rezoned from “MF-18” Multi-family Residential to “LC” Limited Commercial. Parcel 1 is located on the south side of Camden Chase, a residential collector street and on the east side of 127th Street East and north of 21st Street North.

The C.U.P. would prohibit adult entertainment, tattoo parlors, taverns, drinking establishments and night clubs on Parcel 1. The C.U.P. proposes setbacks of 35 feet along 127th Street East and Camden Chase, and a setback of 35 feet abutting with a masonry wall along the east property line abutting a reserve area for Hawthorne Addition. Maximum building coverage and gross floor area are requested as 30 percent. Maximum building height would be 35 feet. A 15-foot landscape buffer would be provided along Camden Chase. The 35-foot setback in conjunction with the masonry wall on the east property line and the 15-foot landscape buffer were added after discussions with staff concerns about adequate separation between the proposed commercial uses for Parcel 1, and the low density residential development planned for the adjacent tracts. Also, restrictions on use were added to prohibit auto-related uses, overhead doors facing residential zoning districts, limit the size of a single use to 8,000 square feet for general retail and 2,000 square feet for restaurants and prohibit drive-thru restaurants. Based on the increase in use restrictions, buffers and setbacks, staff revised its original recommendation to retain a buffer of “GO” General Office zoning along Camden Chase to a revised recommendation of “LC” for all of Parcel 1 (See revised staff report).

The property directly to the west was rezoned from “SF-5” Single-family Residential to “MF-18”, effective June 23, 2003. It is currently undeveloped but platted for multi-family use. Church of the Magdalen is located to the southwest. Single-family residential is located to the northwest, the north and the west of the application area. The area to the south is approved for commercial use but currently is vacant.

Four-Mile Creek flows along the eastern edge of the parcel.

At the MAPC meeting held August 7, 2003, no members of the public were present to speak. MAPC voted (11-0) to recommend approval of subject to the following conditions:

1. Uses for Parcel 1 shall be restricted to those uses permitted by-right and that all auto-related uses (vehicle repair, limited; car wash; service station, convenience store, etc.), and overhead doors facing residential zoning be prohibited. Retail uses would be restricted to no single use greater than 8,000 square feet, and restaurants would be subject to the restrictions of Article III-D.6.t., which limits their size to 2,000 square feet and prohibits drive-thru lanes.
2. A revised drawing with a 35-foot building setback line along the east side of Parcel 1, and a landscape buffer of 15 feet to be shown along the north line of Parcel 1.
3. Access shall be adjusted to allow no access on Parcel 1 unless the access point on the northern edge of Parcel 2 is replaced by an access opening on Parcel 1 aligned with the drive opening on the property to the west.
4. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
5. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.

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6. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.

Motion--
--carried

Mayans moved that the zone change and C.U.P. Amendment, subject to recommended conditions and the first reading of the ZON 2003-37 Ordinance be approved. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, introduced and under the rules laid over. ZON-2003-37

SUB 2000-117

SUB 2000-117-PLAT OF WICHITA BOEING EMPLOYEES ASSOCIATION-SOUTH OF MACARTHUR, WEST OF BROADWAY. (DISTRICT IV)

Agenda Report No. 03-0944

This site, consisting of 1 lot (57.03 acres), is a replat of a portion of Midland Lake Addition and is zoned "GC" General Commercial District. This site is subject to the provisions of the Wichita Boeing Employees Association CUP (DP-110). A Community Unit Plan Certificate (CUP) was provided identifying the approved CUP and its special conditions for development. Water and sewer services are available to serve the site.

A Petition (100%) for paving improvements and a Certificate of Petition has been submitted. A Restrictive has been submitted to provide for the ownership and maintenance of the reserves.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The CUP Certificate, Certificate of Petition and Restrictive Covenant will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Documents and Plat be approved; the necessary signatures be authorized; and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-459

Resolution of findings of advisability and Resolution authorizing improving a hammerhead turnaround on Waco Street at the north line of the Plat, a hammerhead turnaround on Wichita Street on the north line of the Plat and a cul-de-sac turnaround on Gold Street at the northwest corner of the Plat (south of MacArthur, west of Broadway) 472-83844, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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SUB 2002-89

SUB 2002-89-PLAT OF HENTZEN ADDITION-SOUTHWEST CORNER OF HILLSIDE AND 37TH STREET NORTH. (DISTRICT I)

Agenda Report No. 03-0945

This unplatted site, consisting of five lots (10.4 acres), is located within in the City limits. The site has been approved for a zone change (ZON 2002-48) from "LC" Limited Commercial District to "LI" Limited Industrial District.

A Petition, 100%, has been submitted for paving improvements. A Certificate of Petition has been provided. Access Easements (3) and an Access/Utility Easement (1) have been submitted. A Letter of Credit has been provided for private sewer and water lines. A bond has been submitted for drainage improvements. For those reserves being platted for drainage purposes, a Restrictive Covenant was submitted that provides for ownership and maintenance of the reserves.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until the Plat is recorded with the Register of Deeds.

The Certificate of Petition, Access Easements, Access/Utility Easement and Restrictive Covenant will be recorded with the Register of Deeds.

Motion--

Mayans moved that the documents, plat and first reading of the ZON 2002-48 Ordinance be approve, with publication being until the Plat is recorded with the Register of Deeds; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 7 to 0. Motion carried 7 to 0.

--carried

RESOLUTION NO. 03-460

Resolution of findings of advisability and Resolution authorizing improving the southwest corner of Hillside Avenue and 37th Street North for the purpose of an acceleration and deceleration lane, (south of 37th Street North, west of Hillside) 472-83821, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolutions be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-461

Resolution of findings of advisability and Resolution authorizing improving 37th Street North, west of the corner of Hillside Avenue and 37th Street North for the purpose of a left turn lane into Hentzen Addition, (south of 37th Street North, west of Hillside) 472-83822, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-462

Resolution of findings of advisability and Resolution authorizing improving Hillside Avenue, south of the intersection of Hillside Avenue and 37th Street North for the purpose of a left turn lane into Hentzen Addition, (south of 37th Street North, west of Hillside) 472-83823, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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RESOLUTION NO. 03-463

Resolution of findings of advisability and Resolution authorizing improving traffic signals improvements on the intersection of Hillside Avenue and 37th Street North, (south of 37th Street North, west of Hillside) 472-83824, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, introduced and under the rules laid over. ZON-2002-48

SUB 2002-144

SUB 2002-144-PLAT OF AVALON PARK ADDITION-NORTH SIDE OF 37TH STREET NORHT AND THE EAST SIDE OF TYLER ROAD. (DISTRICT V)

Agenda Report No. 03-0946

This site, consisting of 112 lots (120 acres) was recently annexed into the City of Wichita. Upon annexation, the zoning of the property was converted to "SF-5" Single-Family Residential District.

Petitions, all 100%, have been submitted for paving, drainage, sidewalks, sewer and water improvements. A Certificate of Petitions has been submitted. Restrictive Covenants have been submitted to: 1) provide four (4) off-street parking spaces per dwelling unit on each lot which abuts a 58-foot street; and 2) establish a homeowners' association to provide for the maintenance of the Reserves and the parking strip located between the site's south property line and driving surface for 37th Street North. In accordance with City Engineering, an Off-Site Drainage Easement has been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions, Restrictive Covenants (2) and Off-Site Drainage Easement will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-464

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89866 (north of 37th Street North, east of Tyler), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-465

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89867 (north of 37th Street North, east of Tyler), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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RESOLUTION NO. 03-466

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89868 (north of 37th Street North, east of Tyler), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-467

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89869 (north of 37th Street North, east of Tyler), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-468

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89870 (north of 37th Street North, east of Tyler), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-469

Resolution of findings of advisability and Resolution authorizing construction of Lateral 8, Main 19, Southwest Interceptor Sewer, 468-83688, (north of 37th Street North, east of Tyler), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-470

Resolution of findings of advisability and Resolution authorizing construction of Lateral 9, Main 19, Southwest Interceptor Sewer, 468-83689, (north of 37th Street North, east of Tyler), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-471

Resolution of findings of advisability and Resolution authorizing construction of Lateral 10, Main 19, Southwest Interceptor Sewer, 468-83690, (north of 37th Street North, east of Tyler), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-472

Resolution of findings of advisability and Resolution authorizing construction of Lateral 11, Main 19, Southwest Interceptor Sewer, 468-83691, (north of 37th Street North, east of Tyler), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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RESOLUTION NO. 03-473

Resolution of findings of advisability and Resolution authorizing construction of Lateral 12, Main 19, Southwest Interceptor Sewer, 468-83692, (north of 37th Street North, east of Tyler), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-474

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 213, 468-83693, (north of 37th Street North, east of Tyler), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-475

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 214, 468-83694, (north of 37th Street North, east of Tyler), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-476

Resolution of findings of advisability and Resolution authorizing improving Lake Ridge from the north line of 37th Street North to the south line of Lot 27, Block 1; and Lake Ridge Court from the west to Lake Ridge, west and including the cul-de-sac; and Lake Ridge Court from the east line of Lake Ridge, east to and including the cul-de-sac and Havenhurst Circle from the west line of Lake Ridge, west to and including the cul-de-sac. Sidewalk installed along the east and north sides of Lake Ridge from the north line of 37th Street North to the north line of Lot 7, Block 2, 472-83835, (north of 37th Street North, east of Tyler), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-477

Resolution of findings of advisability and Resolution authorizing improving Lake Ridge from the south line of Lot 1, Block 4, to the north line of Lot 18, Block 3; Lake Ridge Court from the west line of Lake Ridge to and including the cul-de-sac; Havenhurst from the east line of Lake Ridge to the north line of Lot 12, Block 2. Sidewalk installed along the east line of Lake Ridge and the south line of Havenhurst, 472-83836, (north of 37th Street North, east of Tyler), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-478

Resolution of findings of advisability and Resolution authorizing improving Palmetto Circle from the west line of Lake Ridge and including the cul-de-sac, 472-83837, (north of 37th Street North, east of Tyler), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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RESOLUTION NO. 03-479

Resolution of findings of advisability and Resolution authorizing improving Palmetto from the south line of Lot 27, Block 4, to the north line of Lot 6, Block 3, and Havenhurst from the east line of Palmetto to the east line of Lot 1, Block 3. Sidewalk to be installed along the east line of Palmetto, 472-83838, (north of 37th Street North, east of Tyler), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-480

Resolution of findings of advisability and Resolution authorizing improving Palmetto from the east line of Lake Ridge to the north line of Lot 3, Block 3. Sidewalk to be installed along the west line of Cranbrook, 472-83839, (north of 37th Street North, east of Tyler), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

SUB 2003-10

SUB 2003-10-PLAT OF NATIONAL BY-PRODUCTS SECOND ADDITION-SOUTH OF 21ST STREET NORTH, EAST OF BROADWAY. (DISTRICT VI)

Agenda Report No. 03-0947

This unplatted site, consisting of 1 lot (2.4 acres) is located within the City limits. The site is zoned "GI" General Industrial District. Municipal services are available to serve the site.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Motion--carried
--carried

Mayans moved that the plat be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

SUB 2003-39

SUB2003-39-PLAT OF SHOAL CREEK SECOND ADDITION-WEST SIDE OF 143RD STREET EAST, SOUTH OF CENTRAL. (DISTRICT II)

Agenda Report No. 03-0948

This site, consisting of 32 lots (9.71 acres) is a replat of the eastern portion of Shoal Creek Addition. This site is zoned "SF-5" Single-Family Residential District.

Petitions, all 100%, have been submitted for water and paving improvements. A Certificate of Petitions has been submitted. Restrictive Covenants were submitted to: 1) provide four (4) off-street parking spaces per dwelling unit on each lot that abuts a 32-foot street; and 2) provide for the ownership and maintenance of the reserves and provide for the continued sharing in the ownership and maintenance responsibilities of the previously platted reserves in Shoal Creek Addition that are not included in this site. Platting of a narrow street right-of-way with adjacent 15-foot street drainage and utility easements is proposed; therefore, a Restrictive Covenant was submitted to restrict lot-owner use of these easements.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions and Restrictive Covenants (3) will be recorded with the Register of Deeds.

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Motion--
--carried

Mayans moved that the documents and plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-481

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89861 (west of 143rd Street East, south of Central), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-482

Resolution of findings of advisability and Resolution authorizing improving Hawthorne Street from the south line of Siefkes, south to the north line of Hawthorne Street; on Hawthorne Street from the east line of Turnberry, east and south to the north line of Whitewood Street, on Turnberry from the north line of Lot 14 Block A, north to the south line of Lot 20, Block A, and on Whitewood from the east line of Turnberry to the west line of Hawthorne Street, 472-83820, (west of 143rd Street East, south of Central), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

SUB 2003-76

SUB 2003-76-PLAT OF HAWTHORNE SECOND ADDITION-NORTH OF 21ST STREET NORTH, EAST OF 127TH STREET WEST. (DISTRICT II)

Agenda Report No. 03-0949

This site, consisting of 43 lots (15.92 acres) is a replat of a portion of the Hawthorne Addition. Petitions, all 100%, have been submitted for water, paving, sanitary sewers and drainage improvements. A Certificate of Petitions has been submitted. A Restrictive Covenant has been submitted to provide four (4) off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street. A Restrictive Covenant has been submitted to provide for the ownership and maintenance of the reserves. The Restrictive Covenant also provides for the continued sharing in the ownership and maintenance responsibilities of the previously platted reserves in Hawthorne Addition that are not included in this site.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions and Restrictive Covenant will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-483

Resolution of findings of advisability and Resolution authorizing Water Distribution System Number 448-89862 (north of 21st Street, east of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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RESOLUTION NO. 03-484

Resolution of findings of advisability and Resolution authorizing Water Distribution System Number 448-89863 (north of 21st Street, east of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-485

Resolution of findings of advisability and Resolution authorizing Water Distribution System Number 448-89864 (north of 21st Street, east of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-486

Resolution of findings of advisability and Resolution authorizing construction of Lateral 3, Main 13, Four Mile Creek Sewer, 468-83509, (north of 21st Street, east of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-487

Resolution of findings of advisability and Resolution authorizing construction of Lateral 4, Main 13, Four Mile Creek Sewer, 468-83514, (north of 21st Street, east of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-488

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 190, 468-83516, (north of 21st Street, east of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-489

Resolution of findings of advisability and Resolution authorizing improving Rosemont from the north line of Camden Chase to the north line of Mainsgate Circle; Rosemont Courts serving Lots 1 to 16, Block 1, Hawthorne Second Addition; from the west line of Rosemont to and including the cul-de-sac; Mainsgate Circle serving Lots 17 to 28, Block 1, Hawthorne Second Addition; from the west line of Rosemont to and including the cul-de-sac. Sidewalk on one side of Rosemont from Camden Chase to the north line of Mainsgate Circle, 472-83828, (north of 21st Street, east of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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RESOLUTION NO. 03-490

Resolution of findings of advisability and Resolution authorizing improving Camden Chase from the southwest corner of Lot 1, Block 2 to the east line of Lot 8, Block 2; Hawthorne Second Addition; sidewalk constructed on both sides of Camden Chase from the southwest corner of Lot 1, Block 2 to the east line of Lot 8, Block 1, 472-83829, (north of 21st Street, east of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-491

Resolution of findings of advisability and Resolution authorizing improving Camden Chase from the east line of Lot 8, Block 2, Hawthorne Second Addition; to the east line of Williamsgate; sidewalks constructed on both sides of Camden Chase from the east line of Lot 8, Block 2 to the east line of Williamsgate, 472-83830, (north of 21st Street, east of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-492

Resolution of findings of advisability and Resolution authorizing improving Mainsgate from the west line of Rosemont to the west line of Williamsgate; Rosemont Court serving Lots 8 through 19, Block 3; from the east line of Rosemont to and including the cul-de-sac; sidewalk constructed on one side of Mainsgate from the west line of Rosemont to the west line of Rosemont to the west line of Williamsgate, 472-83832, (north of 21st Street, east of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-493

Resolution of findings of advisability and Resolution authorizing improving Camden Chase from the east line of Peckham to the southwest corner of Lot 1, Block 2, Hawthorne Second Addition; sidewalk on both sides of Camden Chase, from the east line of Peckham to the southwest corner of Lot 1, Block 2, 472-83849, (north of 21st Street, east of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-494

Resolution of findings of advisability and Resolution authorizing improving Williamsgate from the west line of Reserve Q to the north line of Lot 62, Block 2; sidewalk on one side of Williamsgate from the west line of Reserve Q to the north line of Lot 62, Block 2; Mainsgate from the east line of Williamsgate to the east line of Lot 2, Block 4; sidewalk on one side of Mainsgate from the east line of Williamsgate to the east line of Lot 2, Block 4, 472-83850, (north of 21st Street, east of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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SUB 2003-77

SUB 2003-77-PLAT OF WICHITA FAMILY VISION SECOND ADDITION-WEST OF TYLER, SOUTH OF CENTRAL. (DISTRICT V)

Agenda Report No.03-0950

This unplatted site, located within the City of Wichita, consists of one lot (.4 acres). A zone change (ZON 2000-35) from "SF-5" Single-Family Residential District to "NR" Neighborhood Retail District has been approved. This site is subject to a Protective Overlay (PO #79) established by the zoning case. Municipal services are available to serve the site.

A Notice of Protective Overlay has been submitted addressing permitted uses, signage, architectural design and access.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until the Plat is recorded with the Register of Deeds.

The Notice of Protective Overlay will be recorded with the Register of Deeds.

Motion--

Mayans moved that the document, Plat, and first reading of the ZON2000-35 Ordinance be approved with publication withheld until the Plat is recorded with the Register of Deeds; and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, introduced and under the rules laid over. ZON-2000-35

VAC2003-36

VAC2003-36-REQUEST TO VACATE A PLATTED ACCESS CONTROL AND A RESERVE-NORTHEAST OF THE 13TH STREET NORTH-WEBB ROAD INTERSECTION-1401 WATERFRONT PARKWAY. (DISTRICT II)

Agenda Report No. 03-0951

The applicant proposes vacation of the current complete access control along the 13th Street North side of Lot 8, The Waterfront Addition and vacation of the uses of Reserve H. The Waterfront Addition was recorded 01-24-2003.

Currently there is 371.76-feet of complete access control along east side of Lot 8's 13th Street North frontage. The west end of Lot 8's 13th Street North frontage has 60-feet of right-in – right-out access onto 13th Street North. The applicant proposes 200-feet of complete access control along the east side of Lot 8's 13th Street North frontage, with the remaining west 231.76-feet of Lot 8's 13th Street North frontage having one opening of right-in – right-out. The size and location of this access within the 231.76-feet has not been specified. Reserve H was platted for monuments, landscaping, irrigation, and open space. Reserve H is located on the southeast corner of Lot 8 and is confined within the intersection of two 25-foot utility easements.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds

Motion--

Mayans moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

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VAC2003-38

VAC2003-38-REQUEST TO VACATE A PLATTED EASEMENT-NORTHEAST CORNER OF MERIDIAN AVENUE-2ND STREET INTERSECTION. (DISTRICT II)

Agenda Report No. 03-0952

The applicant is requesting consideration for the vacation of the platted 5-foot utility easement as recorded on Lots 1, Stephan Addition. The Stephan Addition was recorded with the Register of Deeds 11-1-1973, at that time 20-feet of ROW was dedicated to Meridian Avenue and 2.5-feet of ROW was dedicated to the alley where the property abutted it.

The applicant proposed to build a garage. There are no water or sewer in the easement proposed for vacation. There will be no need for the easement to be used for any future water or sewer lines.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds. Dedication of a 5-foot sidewalk easement along 2nd Street and dedication of a 10-foot sidewalk easement along Meridian Avenue will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

VAC2003-39

VAC2003-39-REQUEST TO VACATE PLATTED 20-FOOT ALLEY RIGHT OF WAY-NORTH OF MURDOCK AVENUE AND BETWEEN SANTA FE AVENUE, WEST, AND MEAD AVENUE, EAST. (DISTRICT IV)

Agenda Report No. 03-0953

The applicants are requesting to vacate platted 20-foot alley right-of-way for the future development of the north lot. The platted alley is recorded on the Supplemental Plat to Jones' 1st Addition of Wichita, Sedgwick County, Kansas. The Supplemental Plat to Jones' 1st Addition was recorded 12-14-1883.

There is sewer in the alley. The applicants' have contacted the Traffic Engineer and the Fire Department and the vacation of the alley would not impact either traffic or emergency service to the area. The alley, Murdock and Mead are not improved ROW. There are no platted setbacks, current setbacks would remain in effect and move with the adjusted property line; 0-foot side yard setback & 20-foot front yard setback. Reversion rights would go ½ the width to the north property and ½ the width to the south property. All abutting property owners have signed the petition and the application to vacate. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds and the alley will be retained as a utility easement.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.
Motion carried 7 to 0.

(Agenda Item #56)

Annexation A03-15 was taken up in a recessed evening meeting. Action is shown at the end of the Minutes.

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A03-18

A03-18-REQUEST TO ANNEX LAND-SOUTH OF 37TH STREET NORTH BETWEEN TYLER ROAD AND MAIZE ROAD. (DISTRICT V)

John Schlegal

Planning Director reviewed the item.

Council Member Brewer momentarily left the bench.

Agenda Report No. 03-0955

By virtue of a sanitary sewer petition by USD 266 consenting to annexation by the City of Wichita dated June 9, 2003, the City of Wichita is proceeding to annex 118.28 acres of USD 266 property located south of 37th Street North between Tyler Road and Maize Road. The annexation area abuts the City of Wichita to the south, east, and west. The owner has no immediate plans to develop subject properties.

Land Use and Zoning: The annexation area is presently in agricultural use, and zoned "SF-20" Single Family Residential. Lands adjoining the proposed annexation area to the northeast are in agricultural production and zoned "SF-20" Single Family Residential. Lands adjoining the proposed annexation area to the west, and south are in agricultural production and zoned "SF-5" Single Family Residential. Lands directly to the east are zoned "S-F5" Single Family Residential and have been developed as a middle school campus by the Maize School District 266.

Public Services: Sewer main service is available at the south end of the proposed annexation area and public sewer lateral project(s) could be petitioned to serve the property(s). A 16" water main serves the USD 266 Middle School site. The City is also currently designing a 16" water main in 37th Street North between Maize and Tyler Roads that will provide additional service to this property(s).

Street System: The properties requesting annexation have access to 37th Street North, currently a two lane arterial road, paved from Maize Road to a point one half mile east of Maize Road. There are no plans for roadway improvements to the area in the 2002-2011 City of Wichita Capital Improvement Program.

Public Safety: Under the City-County first response agreement, fire services to this site currently can be provided within a seven (7) to eight (8) minute approximate response time from City Fire Station #16 located at 1632 N. Tyler. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 North Elder.

Parks: Sedgwick County Park is located approximately four miles to the southeast. A bike pathway is proposed two miles to the south along North 21st Street West, as stated in the 1996 Wichita-Sedgwick County Park and Open Space Master Plan.

School District: The annexation property is part of the Unified School District 266 (Maize School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2010 Wichita Urban Service Area as shown in the Plan.

The current approximate appraised value of the proposed annexation properties is \$946,000 with a total assessed value of \$0 (due to its tax exempt status). Using the current City levy (\$31.406/\$1000 x assessed valuation), this yields \$0 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of development and the current mill levy.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
--carried

Martz moved that the annexation be approved; that a public emergency exists; and the annexation ordinance on this day of introduction be adopted. Motion carried 6 to 0, Brewer absent.

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ORDINANCE NO. 45-790

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto. Mayans moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 6 to 0. (Brewer absent) Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (A-03-18)

A03-19

A03-19-REQUEST TO ANNEX LAND-SOUTH OF 37TH STREET NORTH BETWEEN 119TH STREET WEST AND MAIZE ROAD. (DISTRICT V)

John Schlegal

Planning Director reviewed the item.

Agenda Report No. 03-0956

The City has received a request to annex 4.80 acres of land situated south of 37th Street North between 119th Street West and Maize Road. The annexation area abuts the City of Wichita to the north and east. The owner has no immediate plans to redevelop subject property.

Land Use and Zoning: The annexation area is presently in suburban residential use, and zoned "SF-20" Single Family Residential. At the time of annexation approval the property will convert to "SF-5" Single Family zoning. Lands adjoining the proposed annexation area to the north are in agricultural production and zoned "SF-20" Single Family Residential. Lands adjoining the proposed annexation to the west and east are in suburban residential use and zoned "SF-20" Single Family Residential. Lands directly to the southeast and south are in agricultural production and zoned "SF-20" Single Family Residential.

Public Services: Neither water or sewer service is currently available. Water in 37th Street North from Maize Road is currently in design and a project could be extended to serve this property. Sewer main to serve this area is currently in design and a public sewer lateral project could be petitioned to serve the property.

Street System: The property requested for annexation has access to 37th Street North, currently an unimproved two lane arterial road. There are no plans for roadway improvements to the area in the 2002-2011 City of Wichita Capital Improvement Program or the Sedgwick County 2002-2006 Capital Improvement Program.

Public Safety: Under the City-County first response agreement, fire services to this site currently can be provided within a eight (8) to nine (9) minute approximate response time from City Fire Station #16 located at 1632 N. Tyler. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 North Elder.

Parks: Sedgwick County Park is located approximately four miles to the southeast. A bike pathway is proposed two miles to the south along 21st Street North, as stated in the 1996 Wichita-Sedgwick County Parks and Open Space Master Plan.

School District: The annexation property is part of the Unified School District 266 (Maize School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2010 Wichita Urban Service Area as shown in the Plan.

The current approximate appraised value of the proposed annexation properties is \$149,510 with a total assessed value of \$17,193. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$539.96 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any redevelopment and the current mill levy.

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The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
--carried

Martz moved that the annexation be approved; that a public emergency exists; and the annexation Ordinance on this day of its introduction be adopted. Motion carried 6 to 0, (Brewer absent).

ORDINANCE NO. 45-791

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto. Mayans moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 6 to 0. (Brewer absent) Yeas: Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (A-03-19)

A03-20

A03-20-REQUEST TO ANNEX LAND-SOUTH OF 37TH STREET NORTH BETWEEN 119TH STREET WEST AND MAIZE ROAD. (DISTRICT V)

John Schlegal

Planning Director reviewed the item.

Agenda Report No. 03-0957

The City has received a request to annex 4.70 acres of land situated south of 37th Street North between 119th Street West and Maize Road. The annexation area abuts the City of Wichita to the north and east. The owner has no immediate plans to redevelop subject property.

Land Use and Zoning: The annexation area is presently in suburban residential use, and zoned "SF-20" Single Family Residential. At the time of annexation approval the property will convert to "SF-5" Single Family zoning. Lands adjoining the proposed annexation area to the north are in agricultural production and zoned "SF-20" Single Family Residential. Lands adjoining the proposed annexation to the west and east are in suburban residential use and zoned "SF-20" Single Family Residential. Lands directly to the south are in agricultural production and zoned "SF-20" Single Family Residential.

Public Services: Neither water or sewer service is currently available. Water in 37th Street North from Maize Road is currently in design and a project could be extended to serve this property. Sewer main to serve this area is currently in design and a public sewer lateral project could be petitioned to serve the property.

Street System: The property requested for annexation has access to 37th Street North, currently an unpaved two lane arterial road. There are no plans for roadway improvements to the area in the 2002-2011 City of Wichita Capital Improvement Program or the Sedgwick County 2002-2006 Capital Improvement Program.

Public Safety: Under the City-County first response agreement, fire services to this site currently can be provided within a eight (8) to nine (9) minute approximate response time from City Fire Station #16 located at 1632 N. Tyler. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 North Elder.

Parks: Sedgwick County Park is located approximately four miles to the southeast. A bike pathway is proposed two miles to the south along 21st Street North, as stated in the 1996 Wichita-Sedgwick County Parks and Open Space Master Plan.

School District: The annexation property is part of the Unified School District 266 (Maize School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2010 Wichita Urban Service Area as shown in the Plan.

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The current approximate appraised value of the proposed annexation properties is \$127,040 with a total assessed value of \$14,609. Using the current City levy (\$31.406/\$1,000 x assessed valuation), this roughly yields \$458.81 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any redevelopment and the current mill levy.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
--carried

Martz moved that the annexation be approved; that a public emergency exists; and the annexation Ordinance on this day of its introduction be adopted. Motion carried 6 to 0 (Brewer absent).

ORDINANCE NO. 45-792

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto. Mayans moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 6 to 0. (Brewer absent) Yeas: Fearey, Gray, Lambke, Martz, Schlapp, (A-03-20)

AIRPORT AGENDA

AIRPORT

AIRPORT PAVEMENT RUNWAY 1L/19R AND TWY "D" SHOULDERS REHABILITATION.

Agenda Report No. 03-0958

On March 18, 2003, a contract was approved for design and bid phase services with Wilson & Company for the Runway 1L/19R and Taxiway "D" shoulder rehabilitation project. On August 5, 2003, a construction bid for the same project was awarded to Cornejo and Sons.

Supplemental agreements with Wilson & Company have been prepared for additional design services and construction-related services. The FAA has concurred in the award of the Cornejo and Sons construction contract.

Supplemental Agreement No. One for additional design services is \$3,205 and will be funded with Airport Revenue. Supplemental Agreement No. 2 for construction-related services is \$48,887 and will be funded with a grant from the FAA, Passenger Facility Charges and airport revenue. With the construction bid approval of FAA, a budget increase of \$460,000 is requested. It has been determined that \$152,805 will be ineligible for FAA participation and will be funded with Airport Revenue. The Law Department has approved the Supplemental Agreements. The FAA will approve the Supplemental Agreement for construction-related services.

Motion--
--carried

Mayans moved that the Agreements and capital budget adjustment be approved and the necessary signatures be authorized. Motion carried 7 to 0.

AIRPORT

TENANT FACILITY IMPROVEMENTS.

Agenda Report No. 03-0959

On July 1, 2003, a project was approved for Tenant Facility Improvements. The project was approved to make parking lot lighting and security improvements to facilities leased to the Federal Aviation Administration. A contract with Howard and Helmer Architects for design and bid phase services in the amount of \$9,940 was approved on July 11, 2003.

It is now necessary to amend the architectural services agreement to include construction oversight.

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This Supplemental Agreement in the amount of \$18,600 will be funded with General Obligation Bonds paid with airport revenue. The cost will be recovered through FAA rental rates and lump sum reimbursements. Funds are available in the current capital budget.

The Law Department has approved the Supplemental Agreement as to form. The Authorizing Resolution has been approved as to legal form.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

AIRPORT

MIDFIELD ROAD SITE DEVELOPMENT.

Agenda Report No. 03-0960

In order to better accommodate development on Mid-Continent Airport, it is necessary to relocate facilities, clear the site, install utilities, and construct a street on and adjacent to vacant land along Midfield Road. Funds for Tenant Improvements, Street Side Pavement, and Utility Improvements are identified in the current Capital Improvement Program.

In order to make the site "shovel ready", it is necessary to undertake activities for site clearing, utility relocation and street construction.

The project is estimated to cost \$560,000 and will be funded with General Obligation Bonds paid with Airport Revenue. The first consultant agreement is with Johnson Engineering for \$9,200 to provide design and bid phase services to relocate and expand electrical equipment.

The Law Department has approved the Authorizing Resolution as to legal form.

Motion--
--carried

Mayans moved that the project be approved; the necessary signatures be authorized; and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. A 03-010

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvement to the Wichita Mid-Continent Airport Facility; and setting forth the nature of said improvements; the estimated costs thereof; and the manner of payment, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

AIRPORT

AIRFIELD PAVEMENT-TAXIWAY "A", "A-1", AND NORTH GENERAL AVIATION TAXILANE RECONSTRUCTION.

Agenda Report No. 03-0961

Airfield pavement construction and reconstruction at Mid-Continent Airport is planned in accordance with the pavement replacement program and is included in the Capital Improvement Program.

Taxiway "A", "A-1", and North General Aviation Taxilane Reconstruction are in need of reconstruction due to age and deterioration. In order for the FAA to better allocate funding, the FAA requires plans and specifications to be completed and construction bids be taken before a grant is written for the identified projects. Construction is planned for 2005.

The contract amount for design and bid phase services is \$288,621. The total cost for engineering services and construction is currently estimated to be \$6,530,000. Ultimate funding for the project will be from AIP Federal Grant funds, Passenger Facility Charges, and Airport Revenue. Airport revenue will be used as interim funding for the design and bid phase services. Construction will not begin until the award of Federal funds.

The Law Department and the FAA will approve the contract to form.

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Motion-- Mayans moved that the contract and capital project budget be approved and the necessary signatures be authorized. Motion carried 7 to 0.
--carried

EXECUTIVE SESSION

Motion -- Mayans moved that the City Council recess into executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending litigation and legal advice, personnel matters of non-elected personnel, and matters relating to employer-employee negotiations; and that the Council return from executive session no earlier than 12:30 p.m. in the City Council Chambers. Motion carried 7 to 0.
-- carried

RECESS The City Council recessed at 11:20 p.m. and reconvened at 12:30 p.m.

Mayor Mayans Mayor Mayans announced that no action was necessary as a result of the executive session.

RECESS The City Council recessed at 12:35 p.m. and returned in regular session at 7:00 p.m. at the Sedgwick County Extension Center, 7001 West 21st Street North, Wichita, Kansas.

The City Council reconvened in regular session with Mayor Mayans in the Chair. Council Members Brewer, Gray, Martz, Schlapp; present. Council Members Fearey, Lambke; absent.

Chris Cherches, City Manager; Doug Moshier, Senior Assistant City Attorney; Pat Graves, City Clerk; present.

Mayor Mayans Mayor Mayans announced that the City Council was meeting in recessed session to discuss:

(Planning Agenda Item No. 56)

A03-15 **A03-15-THE UNILATERAL ANNEXATION OF ELIGIBLE PROPERTIES GENERALLY-NORTH OF 29TH STREET NORTH AND WEST OF NORTH MAIZE ROAD, TO THE CITY OF WICHITA, KANSAS. (DISTRICT V)**

John Schlegel Planning Director reviewed the Item.

Agenda Report No. 03-0954

On July 1, 2003, City Council adopted a resolution that established a public hearing date of September 9, 2003, at 7:00 p.m. at the Sedgwick County Extension Center, 7001 W. 21st Street North, for consideration of this unilateral annexation initiative. The eligible properties proposed for annexation are generally located north of 29th Street North and west of N. Maize Road. The subject properties are eligible for annexation based upon Wichita city limits existing as of May 7, 2003. The subject lands were recently annexed into the City of Maize. However, the City of Wichita believes the Maize annexation was not valid, and is proceeding with this annexation initiative. The final resolution of this issue will occur through the court system.

This annexation constitutes an additional phase of annexation (referred to as Phase IA) to the original two-phase annexation initiative proposed by the City of Wichita in the area of northwest Wichita. The subject area for this phase consists of approximately 46 acres and 31 properties (27 platted, 4 unplatted), including local road segments. The land use pattern of this area is residential. There are 30 residential tracts and 1 vacant tract. The annexation area is zoned "SF-20" Single-Family Residential. These properties will convert to the "SF-5" Single-Family Residential district upon annexation ("SF-10" Single-Family Residential if requested by property owner and approved by the governing body).

The land proposed for annexation is located within the area identified as "low-density residential" according to the 2002 Update to the Wichita-Sedgwick County Comprehensive Plan: Preparing for Change Land Use Guide Map. The land use pattern within the annexation area is consistent with its

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land use designation in the updated Plan. The annexation area falls within the 2010 Wichita Urban Service Area boundary.

The proposed annexation will allow for the continuation of the City's growth in the northwest part of Wichita. There are 0.8 miles of unpaved local streets with open ditches in the annexation area. These streets will require approximately \$1,900 of grading annually.

Developed properties in the proposed annexation area are currently being served by private water and sewer systems. However, City of Wichita water lines are located nearby in portions of Maize Road, Tyler Road, and 29th Street North. The City's 2002-2011 Capital Improvement Plan has planned further water main extension projects within the annexation area. Water service can be provided upon petition by a majority of benefiting property owners.

As for sanitary sewer, all of the properties in the proposed annexation area are currently being served by private sanitary sewer systems. The City of Wichita is expanding the sewer service capacity of the general area via the Northwest Sewage Treatment Plant located at 135th Street West and 37th Street North. Sewer lines are being brought into newer developments surrounding the annexation area from which service could be extended. Sanitary sewer service can be provided upon petition by a majority of benefiting property owners.

Fire protection to the annexation area is currently provided on the basis of a first-responder agreement between the City and the County, and that service will continue following annexation. Police protection will be provided by the Patrol West Bureau of the Wichita Police Department, located at 661 N. Elder.

Financial Considerations: The total appraised value of the land and improvements proposed for annexation is \$3,839,820 resulting in an annual City Ad Valorem tax revenue of approximately \$13,868. Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The operating departments currently delivering these services will fund them upon annexation. Major municipal services, such as local street improvements, water and sewer service may be provided to this area upon request of the property owners. The cost of municipal services requested by the property owners will be distributed amongst the City at large and the benefiting property owners according to current City policies.

In the absence of an annexation request from a property owner, State law requires the adoption of a resolution by the City Council indicating the City's intent to annex, a description of the property to be annexed, and a notice of the time and place for a public hearing to consider the matter. Copies of the resolution establishing the public hearing, a map showing the properties included and notice of the public hearing, were sent by certified mail to all property owners of record in the proposed annexation area, and to other established governmental entities and utility services. Copies of the resolution and map have also been published in the official City newspaper not less than one week and not more than two weeks prior to the public hearing date, as further notification of the scheduled public hearing. A copy of the Service Extension Plan has been placed on file in the City Clerk's Office. The subject properties as finalized and listed in the annexation Ordinance under consideration by City Council are currently eligible for annexation under K.S.A. 12-519, et seq.

The Metropolitan Area Planning Commission reviewed the proposed annexation for compatibility with the Comprehensive Plan on July 24, 2003. The staff report presented at the MAPC meeting indicated that the proposed annexation was in conformance with the Wichita-Sedgwick County Comprehensive Plan. The MAPC found the annexation not to be in conformance with the Comprehensive Plan by a vote of seven to four (7-4).

A court injunction was filed against the City of Wichita by the City of Maize in late July in an attempt to prevent the City of Wichita from annexing certain lands in the N. Maize Road area. A court ruling on this matter is expected by September 9, 2003. The presiding judge requested that both the City of Maize and the City of Wichita not annex additional lands in the area of dispute until he has made his ruling. The City Council could proceed to hold the public hearing on this annexation Case, pass a motion to adopt the annexation Ordinance but not choose to publish the Ordinance until such time as

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the Court ruling is finalized. This annexation would not become effective until the adopting Ordinance is published.

In conducting the public hearing, Kansas State statutes require that the City's plan for extending major municipal services be presented and that all persons interested in the annexation be heard. After hearing all comments of the persons interested, the City Council has the option of continuing or closing the public hearing, and approving or rejecting the annexation proposal.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Richard LaMunyon

Richard LaMunyon, 10624 West 31st. Street North, said his property, along with his neighbors' properties, was annexed by the City of Maize on June 19, 2003. Every landowner requested (by petition) the annexation by Maize.

Mr. LaMunyon said any action taken by the City of Wichita to annex the Belle Park Addition is inappropriate for the following reasons:

1. It is illegal
On July 15, 2003, the City of Wichita attempted to annex other properties that were in the City of Maize. On July 17, 2003, District Court Judge Ballinger said the Court would not be a party to the City of Wichita willfully and knowingly violating state law. The City of Wichita was then enjoined and that property remains a part of Maize.
2. The District Court instructed the City of Wichita to not annex properties already annexed by Maize, including the Belle Park Addition.
3. On July 29, 2003, discussions between Wichita and the City of Maize were requested and are still in progress. The discussions are to continue until the court date now scheduled for September 15, 2003.

Doug Moshier

Senior Assistant City Attorney said the order from the District Court was that no annexation be finalized. If the City Council approves this annexation, no publication would be made until the District Court decision is made. When the Court makes its order, if it is appropriate, the City will finalize the annexation by publishing the Ordinance.

Motion --

Martz moved that the Annexation be approved; the Declaration of Emergency be approved and the Mayor be authorized to sign; and the Ordinance be placed on its passage and adopted the date of its adoption. Motion carried 5 to 0. (Fearey, Lambke; absent)

-- carried

ORDINANCE NO. 45-789

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto. Mayans moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 5 to 0. (Fearey, Lambke; absent) Yeas: Brewer, Gray, Martz, Schlapp, Mayans. (A-03-15)

Adjournment

The City Council meeting adjourned at 7:18 p.m.

Karen Schofield
Deputy City Clerk